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Separate paging is given to this Part in order that it may be filed as a separate compilation

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 22nd September 1964 :—

Issue No.	No. and Date	Issued by	Subject
239	S.O. 3371, dated 17th September, 1964.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
240	S.O. 3452, dated 22nd September, 1964.	Ministry of Information and Broadcasting.	Approval of films specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 19th September 1964

S.O. 345C.—The following Order of the Chief Election Commissioner is published for general information:—

ORDER No. 16

In exercise of the powers conferred by Section 8 of the Two-Member Constituencies (Abolition) Act, 1961, I hereby make the following amendments in

Part B of Schedule XI of the Delimitation of Parliamentary and Assembly Constituencies Order, 1961:—

- (i) For the entries against items 77, 82, 96, 145 to 148, the following entries are substituted, namely,—

"77—Muktsar: Muktsar thana (excluding Sammenwali, Lakhewali, Madrassa and Chak Madrassa villages), Guru Har Sahai part-thana (excluding Khappianwali alias Bibrianwali village), Jalalabad part-thana and Doda zail in Kotbhai thana in Muktsar tahsil.

82—Guru Har Sahai: Mamdot thana, Guru Har Sahai part-thana and Jalalabad part-thana in Ferozepur tahsil; Khappianwali alias Bibrianwali village in Guru Har Sahai part-thana in Muktsar tahsil; and Jalalabad part-thana (excluding Khuranj zail and Chaksherwala part-zail) in Fazilka tahsil.

96—Samrala: Samrala tahsil (excluding Khanna thana and Nagra zail, and Kubba and Lapon patwar circles in Samrala thana); and Sahnewal thana (excluding Sahnewal and Mattewal zails) in Ludhiana tahsil.

145—Nabha: Nabha tahsil (excluding Amloh sub-tahsil); and patwar circles Nos. 1 to 17 in Chanarthal Kalan Kanungo Circle in Sirhind tahsil.

146—Sirhind: Sirhind and Kalaur Kanungo Circles and Chanarthal Kanungo Circle (excluding patwar circles Nos. 1 to 17) in Sirhind tahsil; and patwar circles Nos. 1, 2 and 18 in Amloh sub-tahsil, in Nabha tahsil.

147—Payal (SC): Amloh sub-tahsil (excluding patwar circles Nos. 1, 2 and 18) in Nabha tahsil of Patiala district; Payal and Jarg Kanungo Circles in Ludhiana tahsil and patwar circles Kubba and Lapon in Samrala thana in Samrala tahsil of Ludhiana district; and Moranwali, Lasso, Bhurthala Mandar and Hazurgarh villages in Amargarh Kanungo Circle in Malerkotla tahsil of Sangrur district.

148—Malerkotla: Malerkotla Kanungo Circle and Amargarh Kanungo Circle (excluding Moranwali, Lasso, Hazurgarh and Bhurthala Mandar villages) and Ahmedgarh Kanungo Circle (excluding patwar circles Nos. 2 to 7, 15 and 16 and village Bahadurgarh) in Malerkotla tahsil".

- (ii) After item 154, for the existing note, the following shall be substituted:—

"NOTE.—The references to districts and other territorial divisions in the entries in column 2 shall be taken to mean the areas comprised therein on the 1st day of January, 1964".

NEW DELHI,

The 19th September, 1964.

Sd. K. V. K. SUNDARAM,
Chief Election Commissioner.

[No. 282/PB/62.]

By order,

PRAKASH NARAIN, Secy.

New Delhi, the 25th September 1964

S.O. 3457.—In continuation of the Commission's notification No. 82/345-346/63, dated the 9th August, 1963, the Election Commission hereby publishes for general information the judgment of the Supreme Court of India, delivered on the 14th August, 1964, in Civil Appeals Nos. 141, 142, 697 and 698 of 1964, filed by Dr. Anup Singh against the judgment and order dated the 30th May, 1963 of the Punjab High Court.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEALS NO. 141 & 142 OF 1964

[Appeals under Article 133(1)(c) of the Constitution of India from the Judgment and Order dated the 30th May 1963 of the Punjab High Court at Chandigarh in F.A.O. Nos. 3/E and 4/E of 1962].

WITH

CIVIL APPEALS NOS. 697 & 698 OF 1964

[Appeals by special leave granted by the Supreme Court by its Order dated the 20th July 1964 under Article 136 of the Constitution of Petitions for special leave to appeal (Civil) Nos. 320 and 321 of 1964 on the file of this Court filed by the Appellant in Civil Appeals Nos. 141 and 142 of 1964 herein from the aforementioned judgment and order dated the 30th May 1963 of the Punjab High Court at Chandigarh in F.A.O. Nos. 3/E and 4/E of 1962].

CIVIL APPEALS NOS. 141 & 697 OF 1964

Dr. Anup Singh, s/o S. Jai Singh,
Village Kundli, P.O. Narela, Delhi—Appellant.

Versus

1. Shri Abdul Ghani, s/o Jiwan, 4-Western Court, New Delhi;
2. Chaman Lal, 30, Prithvi Raj Road, New Delhi;
3. Surjit Singh, 13-B, Ferozeshah Road, New Delhi;
4. Gopal Singh Qaumi, 267, Lajpat Rai Nagar, Jullundur City;
5. Shri Harbans Singh, House No. 2, Street G, Sector 4, Chandigarh;
6. Shri Harcharan Singh, Advocate, Bhatinda at present Sikh Gurdwara Board, Sector 8-A, Chandigarh;
7. Shri Jagjit Singh Lyallpuri, Opposite Dy. Commissioner's Residence, Ludhiana;
8. Shri Krishnamurty, S., 133-North Avenue, New Delhi;
9. Shri Sohan Lal, House No. 7-D, Sector 8-A, Chandigarh—Respondents.

CIVIL APPEALS NOS. 142 & 698 OF 1964

Dr. Anup Singh, s/o S. Jai Singh,
Village Kundli, P.O. Narela, Delhi—Appellant.

Versus

1. Shri Lachman Singh, M.L.A., s/o S. Bakhshish Singh, 12-13/C, Rajouri Gardens, New Delhi;
2. Shri Abdul Ghani, s/o Jiwan, 4, Western Court, New Delhi;
3. Chaman Lal, 30, Prithvi Raj Road, New Delhi.
4. Surjit Singh, 13-B, Ferozeshah Road, New Delhi;
5. Shri Harcharan Singh, Advocate, Bhatinda, at present Sikh Gurdwara Board, Sector 8-A, Chandigarh;
6. Shri Gopal Singh Qaumi, 267, Lajpat Rai Nagar, Jullundur City;
7. Shri Harbans Singh, House No. 2, Street G, Sector 4, Chandigarh;
8. Shri Jagjit Singh Lyallpuri, opposite Dy. Commissioner's Residence, Ludhiana;
9. Shri Krishnamurty, S., 133, North Avenue, New Delhi;
10. Shri Sohan Lal, House No. 7-D, Sector 8-A, Chandigarh—Respondents.

14th August, 1964.

CORAM:

Hon'ble the Chief Justice.

Hon'ble Mr. Justice K. N. Wanchoo.

Hon'ble Mr. Justice M. Hidayatullah.

Hon'ble Mr. Justice J. C. Shah.

Hon'ble Mr. Justice N. Rajagopala Ayyangar.

For the Petitioner/Appellant on
20th and 21st July, 1964.

Mr. G. S. Pathak, Senior Advocate
(M/s. Hardev Singh, Y. Kurcar,
Mohinder Narain, Advocates and
M/s. S. N. Andley Rameshwar
Narain & Co., Advocates with
him).

For the Petitioner/Appellant on
23rd July 1964.

Mr. G. S. Pathak, Senior Advocate
(M/s. Y. Kumar, Mohinder
Narain, Advocates and M/s. S. N.
Andley and Rameshwar Nath,
Advocates of M/s. Rajinder
Narain & Co., Advocates, with
him).

For Respondent No. 1 in C.A.
141/64 and Respondent No. 2
in C.A. 142/64 on 20th and
23rd July 1964.

M/s. Rajinder Sachar, S. C. Malik and
T. R. Bhasin, Advocates.

For Respondent No. 1 in C.A.
141/64 and Respondent No. 2
in C.A. 142/64 on 21st July
1964.

Mr. N. C. Chatterjee, Senior Advocate
(M/s. Rajinder Sachar, S. C. Malik
and T. R. Bhasin, Advocates, with
him).

THE PETITIONS by the Appellants for special leave to Appeal Civil (Nos. 320 and 321 of 1964) abovementioned being called on for hearing before this court on the 20th day of July 1964 when UPON hearing Counsel for the Petitioners the Court was pleased to grant Special leave as prayed for and to direct that said appeals by special leave to appeal (registered as Civils Nos. 697 and 698 of 1964) be heard alongwith Civil Appeals Nos. 141 and 142 of 1964 on the appeal record prepared for the hearing of the said appeals and the aforesaid four Civil Appeals viz. Nos. 141, 142, 697 and 698 of 1964 being called on for hearing before this Court on the 20th, 21st and 23rd days of July 1964 UPON hearing Counsel for the Appellants and Counsel for Respondent No. 1 in Civil Appeal Nos. 141/64 and Respondent No. 2 in Civil Appeal Nos. 142 of 1964, Respondent Nos. 2 to 9 in Civil Appeal Nos. 141 of 1964 and Respondents Nos. 1 and 3 to 10 in Civil Appeal No. 142 of 1964 not appearing through served and the Civil Appeals Nos. 141 and 142 of 1964 having been set down *ex-parte* as against these respondents the Court took time to consider its judgment and the said Appeals being called on for Judgment on the 14th day of August 1964 THIS COURT DOTH ORDER: (1) THAT the Appeals above-mentioned be and are hereby dismissed; (2) THAT the Appellant herein DO pay to the contesting Respondent in Civil Appeals Nos. 141 and 142 of 1964 the costs of the said two appeals incurred by him in this Court as well as the costs thereof incurred in the High Court the hearing fee limited to one set only; (3) THAT the costs incurred by the said Respondent incurred by him in this Court be taxed by the Taxing Officer of this Court; AND THIS COURT DOTH LASTLY ORDER that this Order be punctually observed and carried into execution by all concerned; WITNESS the Hon'ble Mr. Prahlad Balacharya Gaiendragadkar, Chief Justice of India at the Supreme Court, New Delhi, the 14th day of August, 1964.

Sd./- GURU DATTA,

Deputy Registrar.

IN THE SUPREME COURT OF INDIA

C.As. 141, 142 of 1964

Dr. Anup Singh—Appellant.

Versus

Shri Abdul Ghani and another—Respondents.

JUDGMENT

Wanchoo, J.

These appeals on certificates granted by the Punjab High Court arise out of an election to the Council of States by the Punjab Legislative Assembly and will be dealt with together as they arise out of two separate election petitions by two persons, challenging the election of the same person.

There was an election to the Council of States by the Punjab Legislative Assembly in March 1962. There were a number of candidates for three seats which had to be filled. In the present appeals we are concerned with two candidates, namely, Dr. Anup Singh, Appellant and Shri Abdul Ghani, Respondent. Two of the seats were filled by Shri Chaman Lal and Shri Surjit Singh. Though originally their election was also challenged, that is not in dispute now. The position with respect to Dr. Anup Singh and Shri Abdul Ghani on first preference votes (the election being on proportional representation) was that Dr. Anup Singh got 36 votes and Abdul Ghani 35 votes. Thereafter preferences were transferred and Dr. Anup Singh got 36.3 votes and Shri Abdul Ghani 35 votes. In consequence Dr. Anup Singh was declared elected along with the other two candidates whose election is not now in dispute. This was followed by the election petitions, one by Shri Abdul Ghani and the other by Shri Lachman Singh. Originally the election of all the three candidates was challenged on a large number of grounds, but eventually the matter was pressed only against the election of Dr. Anup Singh and only on one ground, namely, that certain votes cast in favour of Shri Abdul Ghani had been wrongly rejected and certain votes cast in favour of Dr. Anup Singh were wrongly accepted. This challenge was met by the appellant on two grounds. In the first place he contended that the petitions were liable to be dismissed under section 90(3) of the Representation of the People Act, No. 43 of 1951 (hereinafter referred to as the Act) for non-compliance with section 81(3). In the second place it was contended that there was no improper rejection of the votes of Shri Abdul Ghani and no improper acceptance of votes of the appellant.

These were the two main questions before the tribunal. On the first question, the tribunal decided that the election petitions were maintainable inasmuch as there was substantial compliance with section 81(3) of the Act. On the second question relating to eight votes which were under challenge, the tribunal held that the three votes in favour of Shri Abdul Ghani were rightly rejected. This decision of the tribunal has been upheld by the High Court and is no longer in dispute before us. As to the five votes in favour of Dr. Anup Singh, it was conceded on behalf of the appellant that one was invalid. Of the remaining four, two were held to be valid and two were held to be invalid on the basis of the decision of the Punjab High Court in *Pal Singh v. Natha Singh*. Thereafter the tribunal redistributed the votes on the basis of the finding and declared Shri Abdul Ghani elected as on redistribution Dr. Anup Singh received 33.3 votes and Abdul Ghani 35 votes.

There upon there were two appeals to the High Court by the present appellant and two points were urged on his behalf, namely, (i) that the election petitions should have been dismissed under section 90(3) of the Act as they did not comply with section 81(3), and (ii) that the tribunal was wrong in rejecting the two ballot papers. The High Court held that there was substantial compliance with section 81(3) and therefore the petitions could not be rejected under section 90(3). It further held that one of the two votes in favour of Dr. Anup Singh which the tribunal had invalid-dated was not invalid. Lastly it held that the second vote rejected by the tribunal was rightly rejected. The final position on this basis was that Dr. Anup Singh got 34.3 votes and Shri Abdul Ghani 35 votes. In consequence the High Court dismissed the two appeals. Then followed two petitions for certificates which were granted; and that is how the matter has come up before us.

Two points have been urged on behalf of the appellant before us. In the first place it is contended that the High Court was in error in not rejecting the election petitions under section 90(3) of the Act for non-compliance with the provisions of section 81(3). Secondly, it is urged that the High Court was in error in rejecting one of the votes, and that if that vote had not been rejected Dr. Anup Singh would have got 36.3 votes and Shri Abdul Ghani 35 votes and the election petitions should have therefore failed. On this aspect of the matter therefore we have to consider the validity of one vote only.

So far as the first point is concerned, the argument is that section 81(3) requires that "Every election petition shall be accompanied by as many copies thereof as there are respondent mentioned in the petition and one more copy for the use of the Election Commission and every such copy shall be attested by the petitioner under his own signature to be true copy of the petition". In this case the necessary number of copies were filed and each copy bore the signature of the petitioner concerned. It may also be mentioned that these copies were carbon copies of the original and it is not in dispute that they were true copies thereof. But the attestation required by section 81(3) was not there specifically on the copies. Consequently, the appellant contends that there was no compliance with section 81(3) and in consequence the petitions should have been rejected under section 90(3) which provides that "the Tribunal shall dismiss an election petition which does not comply with the provisions of section 81, or section 82 notwithstanding that it has not been dismissed by the Election Commission under section 85". It is urged that in view of the penalty provided for non-compliance with section 81(3), that section is mandatory and has to be strictly complied with. Inasmuch as in this case there was no attestation, the petitions should have been rejected.

An exactly similar matter came to be considered by this Court in *ch. Subba Roy*, Member, Election Tribunal (2). In that case also the copies were signed by the petitioner but there was no attestation in the sense that the words "true copy" were omitted above the signature of the petitioner. This court held that as the signature in original was there in the copy, the presence of such original signature in the copy was sufficient to indicate that the copy was attested as a true copy, even though the words "true copy" were not written above the signature in the copies. This Court further held that there was substantial compliance with section 81(3) of the Act and the petition could not be dismissed under section 90(3). That case applies with full force to the facts of the present case, and it must therefore be held that there was substantial compliance with section 81(3) and the petitions could not therefore be dismissed under section 90(3).

This brings us to the main question that has been argued before us, namely whether the tribunal and the High Court were right in rejecting one of the ballot papers which was marked Ex. P-76. The Tribunal's judgment shows that it was inclined to hold that this ballot paper was not invalid, but following the judgment of the High Court in *Pala Singh's case* (1) it held this particular ballot paper to be invalid. When the matter came before the High Court, the case was placed before a Full Bench of three Judges to consider the correctness of the Judgment in *Pala Singh's case* (1). It may be mentioned that the judgment was concerned with a mark on the ballot paper and not with any writing thereon, and the High Court in *Pala Singh's case* (1) took the view that making of any mark would make the ballot paper invalid in view of rule 73(2)(d). *Pala Singh's case* (1) was reconsidered by the High Court and it held that on the whole *Pala Singh's case* could not be held to have been correctly decided in the matter of a mark on the ballot paper in view of certain decisions of the English Courts in that behalf. But so far as Ex. P-76 was concerned, the High Court took the view that that was a case of writing and replying on the decision of *Woodward V. Sarsons* (3), the High Court held by majority the ballot paper to be invalid.

Rule 73(2)(d) lays down as follows:—

"(2) A ballot paper shall be invalid on which—

- | | | |
|---------|-----|-----|
| (a) *** | *** | *** |
| (b) *** | *** | *** |
| (c) *** | *** | *** |

(d) there is any mark or writing by which the elector can be identified."

The contention of the appellant is that before any ballot paper can be declared invalid under rule 73(2)(d) because of the existence of any mark or writing on it other than that permitted by rule 37-A, it has to be shown that the elector is actually identified because of the marks or writing. Now that rule 73(2)(d) requires is (i) that there should be a mark or writing on the ballot paper other than what is permitted under rule 37-A, and (ii) that this mark or writing should be such that the elector can be identified because of it. There is no dispute in this case that there are both a mark and a writing other than the figure permitted by rule 37-A on this ballot paper. The question is whether the mark and the writing (other than that permitted by rule 37-A) which are both present on the ballot paper are such that the elector can be identified because of them.

This raises the question as to what the words "by which the elector can be identified", appearing in rule 73(2)(d) mean. The contention of the appellant is that these words mean that the mark or writing should be such that the elector is actually identified because of them. On the other hand the contention of the respondents is that it is not necessary that the elector is actually identified by the presence of the mark or writing. It is urged that it is enough if the elector might possibly be identified by such mark or writing, or at any rate the mark or writing should be such as would make it reasonable and probable that the elector can be identified thereby. Thus there are three possible interpretations of the words "by which one elector can be identified" appearing in rule 73(2)(d), namely—(i) may mark or writing which might possibly lead to the identification of the elector, (ii) such mark or writing as can reasonably and probably lead to the identification of the elector, and (iii) the mark or writing should be connected by evidence *abundant* with an elector and it should be shown that the elector is actually identified by such mark or writing. The appellant presses for the third of these alternative constructions both in respect of the mark and the writing while the respondents press the first construction, and in any case it is urged that the words do not go beyond the second construction.

We are of opinion that the words cannot bear the first construction, namely, that any mark or writing other than that permitted by rule 37-A which might possibly lead to the identification of the elector would be covered thereby. When the legislature provided that the mark or writing should be such that the elector can be identified thereby it was not providing for a mere possibility of identification. On this construction almost every additional mark or writing would fall within the mischief of the provision. If that was the intention the words would have been different, if a mere possibility of identification had been enough to invalidate the ballot paper, clause (d) of rule 73(2) would have read something like this: "that there is any mark or writing other than that permitted by rule 37-A". But the words used by the Legislature are "any mark or writing by which the elector can be identified", and this in our opinion implies that there should be something more than a mere possibility of identification before a vote can be invalidated. This may happen when some pre-arrangement is either proved or the marks are so many and of such a nature that an inference of pre-arrangement may be safely drawn without further evidence.

We are further of opinion that the third construction on which the appellant relies also cannot be accepted. If the intention of the legislature was that only such votes should be invalidated in which the elector was actually identified because of the mark or writing, the legislature would not have used the words "the mark or writing by which the elector can be identified". These words in our opinion do not mean that there must be an actual identification of the elector by the mark or writing before the vote can be invalidated. If such was the intention of the legislature clause (d) would have read something like "any mark or writing which identifies the elector". But the words used are "any mark or writing by which the elector can be identified", and these words in our opinion mean something more than a mere possibility of identification but do not require actual proof of identification before the vote can be invalidated, though by such proof, when offered, the disability would be attracted.

It seems to us therefore that the second construction out of the three alternatives we have mentioned above is the read construction of these words. When the legislature used these words it was providing that any mark or writing by which the elector can reasonably and probably be identified would invalidate the ballot paper. The words "can be identified" in our opinion imply something more than a mere possibility of identification; at the same time they do not in our opinion require that before the ballot paper is rejected the elector's identity must be actually established. Truly construed therefore the words mean that the mark or writing should be such that the elector can be identified thereby with reasonable probability. Thus it is not the mere possibility of identification

which will invalidate the vote under rule 73(2)(d), or is it necessary that there should be certain identification before the vote is invalidated. All that these words require is that there should be reasonable probability of identification by the mark or writing (other than that permitted by rule 37-A) and if there is such a reasonable probability of identification, the ballot paper would be invalidated.

Obviously when these words mean that there should be a reasonable probability of identification by means of the mark or writing these would be a difference in the approach of the returning officer as well as of the tribunal and of the court when dealing with a mark as distinguished from a writing. So far as the mark is concerned it has by itself very little value for purposes of identification and therefore in the case of marks the returning officer or the tribunal or the court may require evidence to show that there was arrangement between the elector and the candidate to put a certain mark on the ballot paper which would lead to his identification. But in the case of a writing the mere presence of the writing in certain circumstances would be sufficient to warrant the returning officer, or the tribunal or the court to say that the elector can be identified by the writing. Whether the elector can be identified by the writing would always be a question of fact in each case and in that connection the extent of the writing on the ballot paper may have a hearing on the question whether the elector can be identified thereby. For example, if the writing consists of (say) a capital letter 'A', it may be possible for the returning officer, the tribunal or the court to say that there is not sufficient material in the writing by which the elector can be identified. But if the writing consists of a number of words it will be open to the returning officer after taking into account the entire circumstances to say whether the elector can be identified by the presence of so much writing. In dealing with this question the size of the constituency and the number of words may not be irrelevant. We may also add that when scrutinising the ballot paper under rule 37-A and considering whether a particular ballot paper should be rejected, it is not necessary for the returning officer to take evidence, though if any party is prepared to give evidence then and there while the scrutiny is going on and votes are being counted, there is nothing to prevent the returning officer to take such evidence to determine whether the mark or writing is such that the elector can be identified thereby. But generally evidence may not be forthcoming and it will be for the returning officer, the tribunal or the court to decide on the ballot paper as it stands whether the mark or writing is such that the elector can be identified thereby. As we have said already the difficulty is greater in the case of a mere mark; the difficulty may be less in the case of a writing depending upon the amount of writing that is available on the ballot paper and it will be for the returning officer, the tribunal or the court in each case to decide in all the circumstances, whether the writing is of such a nature and of such an extent that the elector can be identified by it.

Similar provisions exist in the English law and have been the subject of decisions by English Courts. In *Woodwar's case*, (3) the validity of voting papers which bore marks as well as writing other than permitted under the rules came up for consideration. So far as the marks were concerned they consisted of two crosses instead of one as required by rule, and the court observed that in such a case if there were evidence of an arrangement that the voter would place two marks, so as to indicate that it was he, that voter, who had used that ballot paper, then, by reason of such evidence, such double mark would be a mark by which the voter could be identified, and then the paper, upon such proof being made, should be rejected. But the mere fact of there being two such crosses is not a substantial breach of the statute. As to the writing on two ballot papers, however, the court held with some hesitation that it should disallow them, and the rule was put this way:

"We yield to the suggestive rule that the writing by the voter of the name of the candidate may give too much facility, by reason of the handwriting, to identify the voter."

The question again came to be considered in *Assacson vs. Durant* (4) (popularly known as *Stepney case*). In that case a certain name had been written at the back of the paper and a question arose whether that writing was such as to lead to the identification of the voter. The two learned Judges constituting the court differed on this point. Field J. was not even sure whether the voter had written the name as it was at the back of the ballot paper. Denman J. however,

thought that the case was covered by Woodward's⁽³⁾ case and put it thus at p. 42:

"Now I take the decision in *Woodward v. Sarsons* to amount to this, not that every departure from a simple cross is a mark by which the voter can be identified—a double cross for instance was allowed by the Court—but that where the name of the candidate, not of the voter, is written in full upon the ballot-paper, the vote shall be invalid, because that is a mark by which the voter can be identified—The principle is this: that where a man has once written a name in full upon a paper it is evidence of his handwriting, and evidence of his handwriting is evidence of the identity of the man."

The matter was again considered in *H. L. Lawson v. Colonel Chester Master* (Known as *Cirencester's case*) and Hawkins J. put the matter thus at p. 198:

"We think we ought to adhere to the language of the statute itself, which says that the mark must be a marked by which the voter can not might possibly) be identified. whether the mark is such, is a matter of fact".

The matter again came up for consideration in *Henry Edward Duke Vs. Richard Harold*⁽⁶⁾. There the voter had written the words, "Up, Duke" against the name of the candidate for whom he was voting, and the question that arose specifically was whether the rule in Woodward's case⁽³⁾ had been invalidated by subsequent causes. Ridley J. said that he did not think that subsequent cases had invalidated the rule not really.

Finally we may refer to the case of *Lewis v. Shepperdson*⁽⁷⁾ where the rule in Woodward's case⁽³⁾ which was followed in *Cirencester's Case*⁽⁵⁾ was adhered to—The law in England thus appears to be in accord with what we think to be the interpretation of the crucial words in r. 73(2)(d).

Learned counsel for the appellant however refers to three cases from Australia—In *Reginald Pole Blundell v. Joseph Vardon*⁽⁸⁾, the court was dealing mostly with marks and not with writing except in one case where the word "yes" has been written—The vote was held to be valid; but it was remarkable that the *Cirencester's case*⁽⁵⁾ was followed. The other case is *Kennedy v. Palmer*⁽⁹⁾. In that case also the court followed *Cirencester's Case*⁽⁵⁾ and that was also a case mainly dealing with marks and not with writing.

In *Kean v. Kerby*⁽¹⁰⁾ what had happened with one of the votes was that the presiding officer did not write the name of the candidate on the ballot paper as he should have done. The voter apparently thought that he himself had to fill the name and wrote "McOrath" and filled in the figure 1. Consequently it was urged that as the vote was invalid on the basis of the case of Woodward⁽³⁾, Isaacs J. decided in that case that the vote was valid. He referred to Woodward's case⁽³⁾ and said that he substantially agreed with that case—But the case in question was treated as a special case because the presiding officer had not written the name of the candidate as he should have done and the voter thought that he should write it. This decision therefore does not in any way effect the decision in Woodward's case⁽³⁾ and if the actual decision appears to be inconsistent with the ratio of Woodward's case⁽³⁾ it can well be said that the special facts before the court, it was thought, justified the departure from that view. It seems therefore that the Australian law on the subject is not different from the English law and it is a question of fact in each case whether looking at the writing or mark on the ballot paper, the returning officer, tribunal or the court is able to come to a conclusion that the mark or writing is such that the voter can be identified thereby in the sense in which we have explained those words above.

This then being the construction to be placed on the words "by which the elector can be identified" we have to see whether ballot paper + Ex. P. 76 bears any mark or writing by which the elector can be identified. Besides the figures 1, 2 and 3 which were permissible under r. 37-A, the ballot paper in question also bears crosses in each case. A cross however is in our opinion a slender basis on which the elector can be reasonably identified. Therefore we shall overlook the crosses. After the cross we find the words "One, Two, Three" written in each case along with the figures "1, 2, 3" which come last. The contention on behalf of the appellant is that the words "One, Two, Three" were really written as a matter of emphasis and it cannot be said that the voter can be identified by writing these words. Now there is no dispute that these words constitute the writing of the elector on this ballot paper, and the only question is whether by this writing he can be identified. Applying the interpretation of the

words we have given above, the question is whether this writing is of the nature and extent which would be reasonably sufficient to lead to the identity of the elector. We are of opinion that the writing is sufficient in extent, particularly when we bear in mind a small constituency of 152 electors and it would in our opinion be right to say that there was a reasonable probability of the identification of the elector by this writing which he had put on the ballot paper. To say that the elector merely wanted to emphasise his choice is of no assistance to the appellant if the writing is of a nature and extent that it can with reasonable probability lead to the identification of the elector. In the present case we have no doubt that the writing was of sufficient extent and can lead to the identification of the elector; As Denman J. put it in *Stepney's case*⁽⁴⁾, the elector here has by his handwriting left sufficient evidence of his identity and can be identified thereby. We may add that it is not necessary, as the majority of the learned Judges of the High Court seems to think, that the returning officer in the peculiar circumstances of this case, being the Secretary of the Legislative Assembly might be knowing the handwriting of the members. Even if he does not know the handwriting, the ballot paper would be invalidated if the writing is of the nature and extent that it can lead to the identification of the elector. In the present case we have no doubt that by writing the words "One, Two, Three", on the ballot paper, the elector has left sufficient evidence of his identity which can lead to his identification. In the result this ballot paper was rightly rejected. In this view of the matter the conclusion of the High Court is correct and the appeals must fall.

We therefore dismiss the appeals with costs—one set of hearing fee.

Sd./- P. B. GAJENDRAGADKAR, C., J.

Sd./- K. N. WANCHOO, J.

Sd./- M. HIDAYATULLAH, J.

Sd./- J. C. SHAH, J.

Sd./- N. RAJAGOPALA AYYANGAR, J.

(1) LXIV (1962) P.L.R. 1110.

(2)

(3) (1875) L.R. IOC 733.

(4) (1886) IV O'M & H 34.

(5) (1886) IV O'M & H 194.

(6) (1911) VI O'M & 228.

(7) (1948) 2 All E.R. 503.

(8) (1907) 4 (Pt. 2) C.L.R. 1463.

(9) (1907) 4 (Pt. 2) C.L.R. 1481.

(10) (1920) 27 C.L.R. 449.

[No. 82/345-346/62.]

By Order,

V. RAGHAVAN, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 25th September 1964

S.O. 3458.—The Central Government is pleased to notify that Shri Tikka Harmohindar Singh, son of the Raja of Faridkot has been nominated by the said Ruler for the purpose of entry 2(b) of Schedule I annexed to the Ministry of Home Affairs notification No. 15/13/59-(V)P.IV, dated the 13th July, 1962 [GSR No. 991, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 28th July, 1962].

[No. 16/9/64-P.IV.]

G. L. BAILUR, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 3rd February 1964/22nd September 1964

S.O. 3459.—In exercise of the powers conferred by sub-rule (2) of rule 11 clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central

Civil Services (Classification, Control and Appeal) Rules, 1957 and in supersession of the Notification of the Government of India in the Ministry of External Affairs, S.R.O. No. 21, dated the 23rd December, 1957 the President hereby directs that:—

- (1) In respect of the posts in the General Central Service, Class II, specified in column 1 of Part I of the Schedule to this Order, the authority specified in column 2 shall be the Appointing Authority and the authority specified in column 3 shall be the Disciplinary Authority in regard to the penalties specified in column 4.
- (2) In respect of the posts in the General Central Service, Class III and the General Central Service, Class IV, specified in column 1 of Parts II and III of the said Schedule, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

SCHEDULE

PART I—GENERAL CENTRAL SERVICE CLASS II

Description of Service		Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)	
			Authority	Penalties
I		2	3	4
<i>Secretariat</i>				
1. Assistant Officer.	Information	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs.	All
2. Librarian (External Publicity Division).		Secretary, Ministry of External Affairs.	Do. Director, External Publicity Division.	Do. (i) to (iii)
3. Law Officer		Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs.	All
4. Assistant Officer.	Research	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs.	All
5. Interpreter		Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Joint Secretary (Administration), Ministry of External Affairs.	All (i) to (iii)
6. Information Assistant		Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Director, External Publicity Division.	All (i) to (iii)
7. Hindi Translator		Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Joint Secretary (Administration), Ministry of External Affairs.	All (i) to (iii)
8. Legal Assistant		Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Director Historical Division.	All (i) to (iii)

1	2	3	4
9. Assistant Librarian	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Director, Historical Division.	All (i) to (iii)
10. Research Assistant	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Director, Historical Division.	All (i) to (iii)
11. Editor, External Publicity Division.	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Director, External Publicity Division.	All (i) to (iii)
<i>Indian Missions/Posts Abroad.</i>			
1. Assistant Press Attache.	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs.	All
2. Information Assistant, Translator, Librarian and Editor in the Information Service of India.	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Head of Mission/Post if he is designated Head of Department.	All (i) to (iii)
3. Visa Officer (in Pakistan).	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Head of Mission/Post if he is designated Head of a Department.	All (i) to (iii)
4. Indian Customs Liaison Officer (in Pakistan)	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Head of Post if he is designated Head of a Department.	All (i) to (iii)
<i>Central Passport and Emigration Organisation.</i>			
1. Superintendent and Protector of Emigrants.	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Deputy Secretary and Chief Passport Officer, Ministry of External Affairs.	All (i)
2. Public Relations Officer.	Secretary, Ministry of External Affairs.	Secretary, Ministry of External Affairs. Deputy Secretary and Chief Passport Officer, Ministry of External Affairs.	All (i)

PART II—GENERAL CENTRAL SERVICE—CLASS III

Description of Service	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate authority
		Authority	Penalties	
1	2	3	4	5
<i>Secretariat</i>				
1. Caretaker	Deputy Secretary, Ministry of External Affairs.	Deputy Secretary, Ministry of External Affairs.	All	Secretary, Ministry of External Affairs.
2. Typex-Mechanic (Central Cypher Bureau).	Deputy Secretary, Ministry of External Affairs.	Deputy Secretary, Ministry of External Affairs.	All	Secretary, Ministry of External Affairs.
3. Library Assistant	Deputy Secretary, Ministry of External Affairs.	Deputy Secretary, Ministry of External Affairs.	All	Secretary, Ministry of External Affairs.
4. Wireless Operator	Deputy Secretary, Ministry of External Affairs.	Deputy Secretary, Ministry of External Affairs.	All	Secretary, Ministry of External Affairs.
5. Lino Operator	Director, External Publicity Division	Director External Publicity Division	All	Secretary, Ministry of External Affairs.
6. Printer	Director, External Publicity Division	Director, External Publicity Division	All	Secretary, Ministry of External Affairs.
<i>Indian Missions and Posts Abroad</i>				
1. Wireless Operator	Director, External Publicity Division Ministry of External Affairs.	Director, External Publicity Division, Ministry of External Affairs.	All	Secretary, Ministry of External Affairs.
Publicity Organiser		Officer of the rank of First Secretary or above or if there is no such officer, Head of Mission/Post.	(i) to (iii)	Secretary, Ministry of External Affairs.
<i>Central Passport and Emigration Organisation</i>				
Assistant, Upper Division Clerk, Lower Division Clerk and Stenographer.	Deputy Secretary and Chief Passport Officer, Ministry of External Affairs.	Deputy Secretary and Chief Passport Officer, Ministry of External Affairs.	All	Secretary, Ministry of External Affairs.
		Regional Passport Officer.	(i)	Deputy Secretary and Chief Passport Officer, Ministry of External Affairs.

PART III—GENERAL CENTRAL SERVICE—CLASS IV

Description of Service	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13).		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
<i>Secretariat</i>				
Library Attendant (Senior) Library Attendant (Junior)	Under Secretary, Ministry of External Affairs.	Under Secretary, Ministry of External Affairs.	All	Deputy Secretary, Ministry of External Affairs.
<i>Indian Missions and Posts Abroad</i>				
All Posts	Under Secretary, Ministry of External Affairs.	(i) Under Secretary, Ministry of External Affairs. (ii) Officer of the rank of Second Secretary or above in Indian Missions and Posts abroad.	All (i) to (iii)	Deputy Secretary, Ministry of External Affairs. Deputy Secretary, Ministry of External Affairs.
<i>Central Passport and Emigration Organisation</i>				
All Posts	Regional Passport Officer	Regional Passport Officer	All	Deputy Secretary and Chief Passport Officer, Ministry of External Affairs.

[No. 13/GA/64.]

D. J. SENGUPTA, Under Secy.

New Delhi, the 24th September 1964

S.O. 3460.—Whereas the Central Government is of opinion that the system of booking accommodation in pilgrim ships for Haj pilgrims specified in the Schedule annexed hereto should be enforced during the Haj Season in 1965.

Now, therefore, in exercise of the powers conferred by Section 456 of the Merchant Shipping Act, 1958, the Central Government hereby exempts Messrs. Mogul Line, Bombay and every other Shipping Company engaged in pilgrim traffic from Bombay to the Hejaz, from such provisions of the said Act and the Indian Pilgrim Ships Rules, 1933, as are not in conformity with the aforesaid system of booking accommodation in pilgrim ships carrying pilgrims from Bombay to Jeddah during the 1964-65.

THE SCHEDULE

SYSTEM OF BOOKING ACCOMMODATION AT BOMBAY FOR HAJ PILGRIMS.

1. Schedule of sailings.—Every shipping company shall announce a provisional schedule of outward sailings as soon as possible. Firm dates of sailings shall be advertised by the Shipping Company at least 15 days in advance as required under the provisions of the Merchant Shipping Act, 1958. The penal provisions of the Merchant Shipping Act, 1958 shall operate with reference to the firm sailings dates as advertised.

2. Advance reservations of Passages.—(i) Reservation lists for all sailings announced in the provisional schedule shall be opened by the company simultaneously and intending pilgrims will have the option of availing passages in whatever ship they like. Such reservations shall be made only on payment of full passage money by applicants (adults and children) for first and deck class (according to the details which may be specified in the announcement of the outward sailing programme of the Shipping Company accompanied by applicant's full particulars with five copies of his photograph (in case of male applicant) out of which one will be pasted on the application for reservation of passages. When reservations of a particular ship are complete, the Shipping Company shall refuse to accept any further deposits for that particular ship.

(ii) A cabin class pilgrim may make an application for reservation of a deck passage for his servant, and may in genuine cases take any other servant than the one mentioned in the application.

3. Waiting List.—After reservations have been made to the full extent of the quota fixed by the Government, a Waiting List will be maintained up to 5 per cent of the quota.

4. How to obtain tickets.—All persons who may have made advance reservations of passage shall have to obtain their tickets at least 4 days before the sailing date. Such of the persons as fail to obtain tickets 4 days in advance shall be deemed to be not travelling in those ships. Passages not previously booked in particular ships or released by passengers who do not obtain their tickets 4 days in advance shall be offered to the persons in the waiting list strictly in accordance with the seniority of applications.

5. Mode of remitting advance passage money.—The passage money shall be sent in advance alongwith the applications for passages and shall, as a rule, be sent by bank drafts by the applicants under registered cover; but pilgrims residing in places where banking facilities are not available shall, as a special case send the passage money by insured covers.

6. Treatment of the advance passage fare when the passage is not availed of.—When a person has reserved his passage, and does not intend to avail of the same and gives notice of his intention within the time limit notified by the Shipping Company then his advance passage fare shall be refunded in full.

(ii) In the case of person who has reserved his passage but is prevented from availing of the same due to unforeseen circumstances such as death in the family, the advance passage fare may be refunded to him in full; any dispute that may arise shall be referred in the first instance to the Chairman, Haj Committee, Bombay, and if the Chairman's decision is not acceptable to the pilgrim concerned or to the Shipping Company, the Chairman shall refer the matter to the Presidency-Magistrate or the Magistrate of the first class exercising jurisdiction in the Port. The decision of the Magistrate shall be final and there shall be refunded to the pilgrims any amount allowed to him by such decision:

(iii) A person who has reserved his passage by a particular ship but is unable to avail of the same and desires to travel by a subsequent ship, may be given full credit in respect of his advance passage fare towards the cost of passage.

(iv) In all other cases where a person has reserved his passages but does not give timely notice as stated above, a deduction of 10 per cent will be made while refunding the amount paid by him.

(v) When a person who has got his name registered on the waiting list and is not offered any passage, the amount paid by him as deposit, shall be refunded to him in full.

7. Scrutiny.—The records of the Shipping Company in respect of reservation of passages as well as waiting lists shall be open to scrutiny by the Central Government, Chairman of the Haj Committee, Bombay, Executive Officer, Haj Committee, Bombay or 2 members of the Haj Committee, Bombay, nominated by the Chairman, or any Officer or Officers, nominated by the Committee for this purpose.

[No. M.II.1180(87)-64.]

R. P. KALRA, Attache.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 21st September 1964

S.O. 3461.—In exercise of the powers conferred by section 39 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby publishes the following certificate granted to the South Indian Teachers' Union Protection Fund Limited, Madras an insurer whose controlled business has been transferred to and vested in the Life Insurance Corporation of India under the provisions of the said Act.

CERTIFICATE

Whereas the South Indian Teachers' Union Protection Fund Limited, Madras, is an insurer whose controlled business has been transferred to and vested in the Life Insurance Corporation of India under the provisions of the Life Insurance Corporation Act, 1956 (31 of 1956);

And whereas the said insurer has complied with all directions given to it by the said Corporation for the purpose of securing that the ownership of any property or any right is effectively transferred to the Corporation;

And whereas the said insurer has made an application to the Central Government that there is no reason for the continued existence of the insurer;

Now, therefore, in exercise of the powers conferred by section 39 of the said Act, the Central Government hereby grants to the said insurer the certificate that there is no reason for the continued existence of the insurer.

[No. F. 3(2)-INS(II)/61.]

New Delhi, the 22nd September 1964

S.O. 3462.—In pursuance of sub-section (5) of section 10 of the Emergency Risks (Goods Insurance) Act, 1962 (52 of 1962) read with paragraph 23 of the Emergency Risks (Goods) Insurance Scheme, the Central Government hereby publishes, as follows, an account of the sums received into

and paid out of the Emergency Risks (Goods) Insurance Fund during the year ending with the 31st March, 1964 :—

Account of the sums received into and paid out of the Emergency Risks (Goods) Insurance Fund during the year ending with the 31st March, 1964.

Receipts			Expenditure		
Amount		Progress of receipts upto the 31st March, 1964	Amount		Progress of expenditure upto the 31st March, 1964
Rs. P.		Rs. P.	Rs. P.		Rs. P. Rs. P.
1. Insurance Premium.	5,84,61,000.00	8,54,61,000.00	1. Remuneration and expenses of Government Agent and cost of forms.	..	..
2. Advance from the consolidated Fund of India under section 10(3).	..	..	2. Payment of liabilities under the Emergency Risks (Goods) Insurance Scheme and remunerations of and expenses of loss Assessor appointed under the scheme.	..	..
3. Miscellaneous.	..	..	3. Refund of premiums under section 13 or under paragraph 17 of the Scheme.		
			4. Repayments of advances made under section 10(3).	..	..
			5. Other Miscellaneous expenditure (showing details if necessary).		
			6. Sums disposed of in accordance with section 10(4).	..	..
TOTAL	5,84,61,000.00	8,54,61,000.00	TOTAL	..	..

[No. F. 104(2)-INS I/64-ERI-I]

S.O. 3463.—In pursuance of sub-section 5) of section 7 of the Emergency Risks (Factories) Insurance Act 1962 (63 of 1962), read with paragraph 21 of the Emergency Risks (Factories) Insurance Scheme, the Central Government hereby publishes, as follows, an account of the sums received into and paid out of the Emergency Risks (Factories) Insurance Fund during the year ending with the 31st March, 1964.

Account of sums received into and paid out of the Emergency Risks (Factories) Insurance Fund during the year ending with the 31st March, 1964.

Receipts			Expenditure		
	Amount	Progress of receipts upto the 31st March 1964		Amount	Progress of expenditure upto the 31st March 1964.
	Rs. P.	Rs. P.		Rs. P.	Rs. P.
1. Insurance Premiums.	11,10,00,000·00	17,40,00,000·00	1. Remuneration and expenses of Government Agent and cost of forms	..	..
2. Advance from Consolidated Fund of India under section 7(3).	..	..	2. Payments of liabilities under the Emergency Risks (Factories) Insurance Scheme and remunerations and expenses of Loss Assessors appointed under the Scheme	..	..
3. Miscellaneous receipts.	..	..	3. Payment under section 10 where a factory is required to be removed to and reconstructed in another locality.	..	..
			4. Refunds of premium under section 16 or under paragraph 15 of the Scheme.	..	..
			5. Repayments of advances made under section 7(3)	..	..
			6. Miscellaneous Expenditure (showing details if necessary)	..	..
			7. Sums disposed of in accordance with section 7(4)	..	..
TOTAL	11,10,00,000·00	17,40,00,000·00	TOTAL	..	..

[F. No. 104(2)-INS. I/64-ERI.II]

S. S. SHARMA, Under Secy.

(Department of Economic Affairs)

New Delhi, the 23rd September 1964

S.O. 3464.—In exercise of the powers conferred by section 8 of the Indian Coinage Act, 1906 (3 of 1906), the Central Government hereby makes the following amendment in the notification of the Government of India in the

Ministry of Finance (Department of Economic Affairs) No. S.R.O. 3008, dated the 11th December, 1956, namely:—

In the said notification, for sub-paragraph (d), the following sub-paragraph shall be substituted, namely:—

“(d) the design inside the groove shall consist of a chain of beads in relief, each bead being followed by two vertical lines in relief.”

[No. F. 2(31)-C&C/64(i).]

S.O. 3465.—In exercise of the powers conferred by section 6 of the Indian Coinage Act, 1906 (3 of 1906), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 2993, dated the 28th August, 1964, namely:—

In the said notification, in sub-paragraph (c), for item (iii), the following item shall be substituted, namely:—

“(iii) the design inside the groove shall consist of a chain of beads in relief, each bead being followed by two vertical lines in relief.”

[No. F. 2(31)-C&C/64(ii).]

G. DWARAKANATHAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 25th September 1964

S.O. 3466.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 of the State-Associated Banks (Miscellaneous Provisions) Act, 1962 (56 of 1962), and in supersession of all other previous orders on the subject, the Central Government hereby appoints the Sub-Divisional Officer, Dholpur, as the Manager ex-officio of the Dholpur State Bank for the purpose of winding up its affairs and distributing its assets.

[No. F. 4/19/64-SB.]

B. J. HEERJEE, Under Secy.

(Department of Revenue & Company Law)

ORDER

STAMPS

New Delhi, the 3rd October 1964

S.O. 3467.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby directs that in the Notification of the Ministry of Finance (Department of Revenue and Company Law) No. 7, dated the 5th September, 1964 for the words “Andhra Pradesh Industrial Financial Corporation” substitute the words “Andhra Pradesh Industrial Development Corporation”.

[No. 8/1/48/64-Cus.VII.]

M. G. VAIDYA, Under Secy.

CENTRAL EXCISE COLLECTORATE, BARODA

MANUFACTURED PRODUCTS

Baroda, the 25th May 1964

S.O. 3468.—In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944, I hereby delegate to all Officers not below the rank of the Assistant Collectors of Central Excise in Baroda Central Excise Collectorate, dealing with refund applications, the powers exercised by me under the proviso to para 5 of the Appendix to Rule 12-A of Central Excise Rules,

1944, to condone delays in presentation of claims upto a period of 15 days after the expiry of the three months from the date of export within their respective jurisdiction.

[No. 2/1964.]

D. R. KOHLI, Collector.

COLLECTORATE OF CENTRAL EXCISE, PATNA

TRADE NOTICE

Patna, the 31st August 1964

SUBJECT:—*Soap—Non-power operated units licensing of—*

S.O. 3469.—Attention is invited to the Trade Notice No. 24/1-Soap/64, dated 3rd July 1964.

It has been decided to discontinue the licensing control over units producing soap without the aid of power and thus falling under the exempted sector from the licensing year, 1965.

[No. 33/2-Soap/64.]

B. S. CHAWLA, Collector.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Food)

New Delhi, the 3rd September 1964

S.O. 3470.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. Short title and commencement.—(1) This Order may be called the Cold Storage Order, 1964.

(2) It shall come into force on the 1st January, 1965.

2. Definitions.—In this Order, unless the context otherwise requires:—

- (a) "cold storage" means any refrigerated chamber or chambers which may be used for storing any food-stuffs;
- (b) "form" means a form appended to this Order;
- (c) "licence" means a licence granted under this Order;
- (d) "Licensing Officer" means the Agricultural Marketing Adviser to the Government of India and includes any other officer empowered by him in this behalf with the previous approval of the Central Government;
- (e) "Schedule" means the Schedule appended to this Order.

3. Regulation of storage of food-stuffs in cold storage.—No person shall carry on the business of storing any of the following food-stuffs in a cold storage except under and in accordance with the terms and conditions of a valid licence:

- (i) fruits, whether fresh, dry or dehydrated;
- (ii) vegetables and seed potatoes;
- (iii) meat, whether fresh, frozen or dried;
- (iv) fish, whether fresh, frozen or dried;
- (v) eggs, whether shelled or unshelled;
- (vi) milk and dairy products; and
- (vii) other food products.

4. Application for licence.—Every person desiring to obtain a licence shall make an application in duplicate to the Licensing Officer in Form-A together with the fees prescribed therefor in clause 5 and a copy of the blue-print of the cold storage building plan.

5. Fees for licence.—The fees for a licence shall be—

- (i) rupees fifty—for storing food-stuffs in a cold storage with a capacity up to 141 cubic meters (5,000 cft.);
- (ii) Rupees seventyfive—for storing food-stuffs in a cold storage having a capacity of above 141 cubic meters.

6. Licensing Officer to have regard to certain matters in granting or refusing licence.—In granting or refusing a licence, the Licensing Officer shall have regard to the following matters, namely:—

- (i) the number of cold storage operating in the locality where the cold storage, in which the foodstuffs are proposed to be stored, is located;
- (ii) refrigeration conditions of the cold storage in which the foodstuffs are proposed to be stored;
- (iii) any other matter which the Licensing Officer may consider necessary for the purpose.

7. Grant or refusal of licence.—(1) On receipt of an application for the grant of a licence, the Licensing Officer may, after taking into consideration the matters referred to in clause 6, either grant or refuse a licence.

(2) Where the application for a licence is refused, the reasons for such refusal shall be recorded in writing and a copy of the same shall be furnished to the applicant; and the fees paid by the applicant along with the application shall be refunded to him.

(3) Where the application for a licence is not refused, the Licensing Officer shall grant the applicant a licence in Form—B.

8. Conditions of licence.—Every licence shall be subject to the terms and conditions specified in the Schedule:

Provided that where the licence is with respect to storage of foodstuffs in any cold storage in existence at the commencement of this Order, nothing in paragraph 3 of part 2 of the Schedule shall apply to such licence.

9. Cancellation of licence.—The Licensing Officer may, after giving the holder of the licence an opportunity to show cause and after giving him three months' notice, cancel any licence granted to him for any breach of the terms and conditions of the licence or for any contravention of the provisions of this Order.

10. Period of validity of licence.—Every licence shall, unless previously cancelled, expire on the 31st day of December next following.

11. Renewal of licence.—(1) Every holder of licence desiring to renew the licence shall make an application for renewal in duplicate to the Licensing Officer in Form—C together with such fees as are payable under clause 5 for the original grant of the Licence, on or before the 31st October.

(2) On receipt of such application together with such fees, the Licensing Officer may either renew the licence or refuse to renew the licence.

(3) Where the application for renewal is refused, the reasons for such refusal shall be recorded in writing and copy of the same shall be furnished to the applicant; and the fees paid by the applicant along with the application shall be refunded to him.

12. Power to call for information etc.—(1) The Licensing Officer or any other officer authorised by him in writing in this behalf, may, with a view to securing compliance with this Order—

(a) require any holder of a licence to give any information in his possession with respect to the foodstuffs stored by him in the cold storage;

(b) enter and search any premises, where the cold storage is installed or run, at any time with a view to satisfying himself that the requirements of this Order are being complied with.

(2) Every holder of a licence shall be bound to furnish the information so required to the Licensing Officer or such other officer and afford all necessary facilities to the Licensing Officer or the other officer for the purpose of exercising his powers under paragraph (b) of sub-clause (1).

(3) Subject to the provisions of this clause, the provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) relating to search shall, so far as may be, apply to searches under this clause.

13. Maintenance of records and submission of returns.—The Licensing Officer may, by order in writing, direct any holder of a licence—

- (a) to maintain such records relating to storage of foodstuffs in a cold storage in such forms as may be specified in the Order;
- (b) to submit to him such returns or statements in such form and containing such information relating to the foodstuffs stored in the cold storage and within such time as may be specified in the Order.

14. Appeal.—Any person aggrieved by any order of the Licensing Officer made under this Order may prefer an appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final.

15. Saving.—Nothing in this Order shall apply to the storage of foodstuffs in any cold storage with a capacity of less than 8.50 cubic meters (300 cft.).

FORM—A.

(See clause-4)

Application for licence under the Cold Storage Order, 1964

1. Name and Address of the applicant.
2. Location of the Cold Storage.
3. Number and size of cold storage(s)
 - (i) size of the individual cold storage(s)

...	...	height.
-----	-----	---------
 - (ii) Total cubic capacity of all the cold storage(s)

Combined	cum.
----------	-----	----	------
4. Capacity of freezing plant in metric tons per 24 hours.
5. List of machinery with particulars.
6. Total H.P. of the motor(s)/other prime movers.
7. Name(s) of the foodstuffs I/we intend to accept for storing in cold storage.
8. I/We hereby forward a Treasury Challan No. _____ Dated _____ for a sum of Rs. _____ in respect of the licence fee due according to the provisions of the cold storage Order, 1964.
9. I/We hereby undertake to comply with all the provisions of the Cold Storage Order, 1964.

Signature(s) of the applicant(s).

FORM B

[See clause 7(3)]

MINISTRY OF FOOD & AGRICULTURE

(DIRECTORATE OF MARKETING & INSPECTION)

Government of India

Licence under the cold storage order 1964.

Licence No. _____ C.S.O.

1. Name and address of the licensee.
2. Location of the Cold Storage.

This licence is granted under and is subjected to, the provisions of the Cold Storage Order, 1964 (including the terms and conditions specified in the Schedule to that Order), all of which shall be complied with by the licensee.

Place

Date

Licensing Officer

Validation and Renewal

Period of validity	Licence fee paid	Total capacity in cubic metre of the cold storage	Signature of the licensing Officer
--------------------	------------------	---	------------------------------------

FORM C

[See clause 10(1)]

Application for Renewal of Licence under Cold Storage Order, 1964.

1. Name and address of the Cold Storage.
2. Licence No.
3. Any major change in the machinery should be indicated.
4. I/We hereby undertake to comply with all the provisions of the Cold Storage Order, 1964.
5. I/We hereby forward a Treasury Challan No. _____ dated _____ for a sum of Rs. _____ in respect of the renewal fee due according to the provisions of the Cold Storage Order, 1964.

Signature(s) of the applicant(s).

THE SCHEDULE

(See clause 8)

Part-1

Sanitary requirements:

1. The premises where the cold storage is installed shall be clean. Inside the cold storage electric lights should be provided at the rate of 1 watt per 4645 sq. c.m. (5 sq. ft.). The disinfecting or de-odourising of the cold storage should, however, be carried out as and when required.
2. The holder of the licence shall not store any product(s) which will be repugnant or alien to the smell of the foodstuff(s) stored in the cold storage. Products having repugnant smell shall however, be stored in separate chambers of the cold storage.
3. All yards, out houses, stores, and all approaches of the premises where the cold storage is installed shall be kept clean and sanitary.
4. No person suffering from any infectious or contagious disease shall be allowed to work in the cold storage. Arrangements shall be made for examination of the employees other than daily paid labourers working in the cold storage once a year to check that they are free from any infectious, contagious, or other disease.
5. The employees working inside the cold storage operating above freezing point shall be adequately provided with proper clothes to protect them from cold. The employees working in cold storage which operates below freezing point shall also be provided with boots.

Part-2

Requirements as to operation:

1. The door(s) of the cold storage shall be provided with adequate insulation and should be reasonably airtight. The design of the door(s) shall be such that a person must be able to open it from inside as well as outside.

2. Wherever racks are provided they shall be so constructed that loading and unloading operation shall be carried out without endangering the life of the employees working in the cold storage.

3. For the distribution and circulation of air and for actual operation of loading and unloading the following directions shall be adhered to :—

- (a) The passage between the rows of the racks should not be less than 76 metres.
- (b) The racks should be kept away at least 20 cms. from the walls/floor.
- (c) A gap of at least 30 cms. should be maintained between the ceiling and the top level of the load in the topmost shelf of every rack.
- (d) A gap of at least 7.5 cm. should be maintained on every shelf of a rack between the load on the shelf and the succeeding shelf.

4. The diffusers or direct expansion pipes for conveying the refrigerant shall be so arranged in the cold storage so as to maintain proper temperature with maximum allowable variation of $\pm 1^{\circ} \text{C}$ and percentage of relative humidity with an allowable variation ± 5 per cent in every location of the cold storage where foodstuffs are stored.

5. The cold storage shall be provided with thermometers reading dry bulb and wet bulb temperatures.

Part-3

Maintenance of Log Book

1. Every licensee shall maintain a 'Log Book' as prescribed in the Annexure to this Schedule for the maintenance of temperature and relative humidity as well as the pressure reading of the compressor on four hourly basis all throughout night and day during the operation of the cold storage unless automatic recording instruments are installed. The Licensing Officer or any person duly authorised by him in this behalf shall sign the Log Book every inspection after personal verification of the records.

2. Any stoppage of function of the cold storage exceeding 24 hours continuously shall be reported immediately by the holder of the licence to the Licensing Officer. The reasons for such break-down shall be recorded in the Log Book and reported to the Licensing Officer.

ANNEXURE

(See Schedule)

(Part 3.1)

Cold Storage

Engine Room Log.

Timing	Compressor No.				Grankcase oil pressure	Brine To	Cold Chambers				Remarks
	Volts	Amps	Suction pressure gauge	Delivery pressure gauge			No. 1		No. 2		
							DB	WB	DB	WB	
12 Mid-night
4 A.M.
8 A.M.
12 Noon
4 P.M.
8 P.M.

[No. F. 21(27)/64-Tech.I.]

K. L. PASRICHA, Jt. Secy.

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 16th September 1964

S.O. 3471.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2028 dated the 27th May 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government:

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

STATE: Bihar.

DISTRICT: Patna.

THANA: Mokameh.

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Goshaingaon No. 39	1493	1·28	Goshaingaon No. 39—	1004	1·02
	1500	0·01	contd.	1044	0·225
	1501	0·11		1045	0·04
	1503	0·38		1047	0·17
	1491	0·20		1046	0·04
	1490	0·16		1049	0·02
	1453	0·23		1048	0·20
	1454	0·125		1052	0·17
	1455	0·57		1051	0·04
	1457	0·03		1053	0·23
	1347	0·045		1054	0·04
	1366	0·06		1055	0·045
	1367	0·23		1056	0·065
	1368	0·22		1058	0·06
	1369	0·08		1059	0·065
	1370	0·01		1062	0·23
	1365	0·02		1063	0·09
	1364	0·41		1093	0·04
	1372	0·01		1094	0·005
	1378	0·04		1092	0·24
	1379	0·35		1095	0·06
	1380	0·005		1101	0·42
	1331	0·09		1100	0·035
	1381	0·17		1110	0·075
	1326	0·01		1099	0·09
	1327	0·025		1113	0·12
	1328	0·035		1114	0·12
	1329	0·22		1120	0·01
	952	0·12		1115	0·105
	991	0·16		1118	0·105
	953	0·01		1119	0·03
	990	0·14		1123	0·175
	988	0·32		1128	0·15
	989	0·06		1127	0·16
	1005	0·01		1144	0·12

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Goshaingaon No. 39	1145	0.04		2656	0.095
	1143	0.07		2655	0.045
	1146	0.09		2654	0.12
	1147	0.22		2652	0.06
	1148	0.10		2651	0.035
	1149	0.095		2650	0.095
	1176	0.35		2647	0.08
	1178	0.06		2646	0.08
	1175	0.08		2645	0.12
	1170	0.05		2641	0.14
	1169	0.025		2635	0.195
	1179	0.09		2634	0.08
	1180	0.15		2633	0.11
	1181	0.57		2632	0.075
	1201	0.11		2631	0.075
	35	0.05		2623	0.11
	31	0.28		2630	0.09
	32	0.17		2624	0.165
	33	0.26		2628	0.14
	34	0.18		2220	0.16
	50	0.34		2221	0.24
	51	0.05		2222	0.005
	52	0.03		2223	0.23
	53	0.045		2209	0.17
	54	0.17		2225	0.035
	57	0.07		2208	0.125
	56	0.22		2205	0.19
	55	0.04		0227	0.005
	63	0.18	Seonar No. 31	2206	0.06
	62	0.17		2167	0.24
	65	0.065		2166	0.45
	67	0.07		2165	0.26
	68	0.075		2241	0.56
	49	0.01		2164	0.05
Seonar No. 31	3513	0.62		2001	0.42
	3510	0.21		2002	0.39
	3509	0.12		2027	0.03
	3517	0.005		2026	1.41
	3508	0.45		3511	0.005
	3506	0.18		2704	0.005
	3580	0.04		2812	0.005
	3502	0.20	Barahpur No. 32	2219	0.005
	3581	0.015		1262	0.515
	3501	0.09		1261	0.195
	3500	0.35		1259	0.04
	3499	0.28		1260	0.61
	3498	0.02		1255	0.23
	2836	0.24		1256	0.575
	2833	0.005		1257	0.075
	2835	0.33		1119	0.07
	2826	0.33		1121	0.37
	2813	0.14		1115	0.14
	2814	0.37		1114	0.05
	2810	0.26		1103	0.13
	3796	0.07		1109	0.16
	2803	0.07		1108	0.46
	2802	0.42		1110	0.12
	2804	0.08		1107	0.115
	3154	0.02		1106	0.57
	2701	0.07		1116	0.005
Seonar No. 31	2702	0.03	Mor No. 33	4107	0.265
	2703	0.20		4102	0.205
	2705	0.44		4106	0.025
	2715	0.145		4105	0.005
	2714	0.03		4103	0.63

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in a
	3867	0.39		3291	0.05
	3841	0.72		3625	0.055
	3843	1.23			
	3850	0.61	Mor No. 33	3292	0.385
	3847	0.02		3294	0.105
	3848	0.04		3293	0.29
	3849	0.12		3621	0.10
				3576	0.58
	7913			3577	0.21
	3849	0.09		3578	0.17
	3673	0.04		3579	0.05
				3566	0.025
	7969			3572	0.17
	3673	0.17		3567	0.41
	3674	0.35		3457	0.07
	3671	0.03		3456	0.12
	3669	0.78		3403	0.01
	3666	0.15		3455	0.95
	3665	0.09		3453	0.27
	3276	0.03		3454	0.05
	3275	0.22		3409	0.34
	3274	0.23		3412	1.42
	3278	0.63		3413	0.18
	3279	0.005		3414	0.23
	3290	0.25		3411	0.925
	3641	0.13			

[No. 31/47/63-ONG--(4 BAR).]

S.O. 3472.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 990 dated the 10th March 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

STATE: Bihar.

DIST.: Patna

THANA: Phulwari.

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Nohsa No. 38	346	0.015		358	0.10
	345	0.20		359	0.12
	344	0.05		360	0.095
	343	0.085		371	0.045
	356	0.07		372	0.095

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Nohsa No. 38	340	0.075	Phulwari No. 35	2558	0.05
	341	0.005		1704	0.005
	373	0.15		2559	0.065
	377	0.03		2560	0.05
	378	0.11		1702	0.025
	370	0.015		2561	0.105
	379	0.10		2562	0.13
	380	0.025		2563	0.03
	381	0.17		1699	0.015
	435	0.01		1700	0.06
	385	0.02		1500	0.02
	436	0.24		1505	0.09
	433	0.16		1536	0.02
	447	0.155		1506	0.05
	698	0.05		1507	0.04
	699	0.02		1513	0.095
	697	0.06		1514	0.075
	696	0.045		1515	0.03
	694	0.01		1516	0.12
	690	0.075		1521	0.01
	682	0.025		1518	0.045
	683	0.055		1519	0.065
	684	0.09		1520	0.045
	685	0.165		1522	0.11
	689	0.005		1524	0.05
	676	0.05		1523	0.01
	581	0.31		4151	0.015
	580	0.03		4178	0.1625
	574	0.11		4181	0.06
	572	0.135		4180	0.005
	571	0.135		4182	0.11
	573	0.02		4184	0.12
	570	0.16		4183	0.35
	565	0.055		4201	0.19
	564	0.025		4189	0.015
	553	0.005		4200	0.02
	548	0.005		3907	0.015
	552	0.095		3900	0.025
	535	0.05		3899	0.04
	534	0.045		4202	0.18
	533	0.09		3898	0.09
	532	0.13		4203	0.015
	531	0.025		4204	0.035
	530	0.010		3845	0.01
	524	0.025		4205	0.10
	526	0.275		4207	0.13
	695	0.06		4208	0.07
	549	0.025		4209	0.055
	550	0.07		4210	0.01
	551	0.085		1017	0.005
Phulwari No. 35	2584	0.005		4211	0.16
	2583	0.125		4214	0.195
	2548	0.005		4221	0.07
	2549	0.15		2968	0.005
Phulwari No. 35	2582	0.005	Phulwari No. 35	4219	0.02
	2550	0.01		4215	0.06
	2545	0.06		4216	0.08
	2544	0.06		4217	0.135
	2553	0.015		3765	0.035
	2554	0.005		4228	0.105
	2555	0.10		4229	0.05
	1703	0.04		1199	0.09
	2556	0.04		1203	0.05
	2557	0.10		1200	0.15
				1204	0.04
				1201	0.035

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Phulwari No. 35	1202	0.005	Beur No. 33	797	0.10
	1209	0.03		796	0.125
	4206	0.02		795	0.275
	1206	0.04		765	0.015
	1208	0.20		4188	0.005
	1173	0.02		112	0.05
	1174	0.025		133	0.02
	1120	0.08		114	0.035
	1119	0.12		110	0.03
	1118	0.16		116	0.08
	1103	0.025		117	0.06
	1117	0.09		118	0.09
	1116	0.14		119	0.07
	1115	0.03		120	0.15
	1114	0.035		124	0.03
	1035	0.03		174	0.005
	1008	0.01		175	0.12
	1007	0.20		176	0.05
	1006	0.28		177	0.055
	1009	0.22		171	0.065
	1005	0.04		170	0.065
	1010	0.16		169	0.07
	1011	0.10		165	0.08
	1014	0.045		188	0.005
	1015	0.015		189	0.025
	1003	0.175		190	0.035
	1002	0.01		164	0.02
	996	0.10		211	0.09
	995	0.10		212	0.08
	993	0.14		209	0.07
	992	0.015		210	0.04
	984	0.11		213	0.03
	982	0.11		215	0.015
	981	0.20		299	0.005
	980	0.045		208	0.07
	979	0.045		207	0.01
	978	0.05		206	0.015
	977	0.065		204	0.025
	976	0.055		203	0.10
	975	0.015		217	0.10
	973	0.09		246	0.06
	972	0.09		247	0.005
	971	0.04		248	0.03
	969	0.035		249	0.04
	966	0.095		255	0.04
	967	0.14		256	0.11
	928	0.18		257	0.09
	926	0.095		259	0.01
	889	0.005		258	0.08
	925	0.045		260	0.05
	890	0.13		261	0.005
	918	0.02		265	0.05
	917	0.015		264	0.015
	913	0.005		263	0.05
	899	0.165		262	0.055
	898	0.005		295	0.005
	897	0.01		296	0.03
Phulwari No. 35	896	0.14	Harnichak No. 34	297	0.105
	900	0.125		308	0.12
	805	0.155		298	0.05
	802	0.025		65	0.13
	803	0.01		66	0.07
	801	0.03		67	0.06
	800	0.07			
	799	0.125			

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Harnichak No. 34— <i>contd.</i>	68	0.16	Chitkohra No. 17— <i>contd.</i>	2230	0.015
	70	0.11		1073	0.035
	71	0.215		1074	0.27
	72	0.005		1097	0.35
	77	0.025		1098	0.195
	78	0.18		1126	0.005
	79	0.16		1122	0.09
	80	0.005		1121	0.03
	381	0.005		1123	0.05
Sainchak No. 32	4	0.115		1124	0.005
	5	0.01		1135	0.15
	7	0.08		1129	0.005
	14	0.08		1136	0.005
	13	0.15		1133	0.005
	16	0.16		1134	0.38
	17	0.07		1656	0.135
	2	0.07		1131	0.025
	1	0.03		1654	0.035
	264	0.19		1657	0.165
	265	0.045		1658	0.085
	266	0.03		1659	0.24
	269	0.02		1660	0.04
	271	0.10		1664	0.02
	272	0.03		1667	0.06
	275	0.135	Pakri No. 31	99	0.10
	273	0.07		293	0.025
	276	0.08		294	0.13
	278	0.10		295	0.16
	281	0.055		296	0.045
	282	0.02		297	0.13
	283	0.005		340	0.01
	284	0.08		338	0.02
	285	0.05		332	0.63
	286	0.03		325	0.31
	287	0.01		327	0.005
	288	0.02		324	0.035
	289	0.005		323	0.12
Chitkohra No. 17	534	0.06		320	0.195
	502	0.115		321	0.005
	340	0.21		489	0.035
	536	0.13		496	0.02
	537	0.005		491	0.025
	586	0.19		492	0.30
	584	0.005		493	0.20
	585	0.03		480	0.15
	587	0.04		483	0.02
	588	0.155		482	0.07
	589	0.11		481	0.24
	590	0.07		478	0.245
	575	0.07		453	0.025
	576	0.07		457	0.055
	573	0.085		458	0.01
	574	0.015		456	0.05
	572	0.07		455	0.04
	571	0.075		454	0.23
	569	0.01		428	0.005
	568	0.115		459	0.055
	565	0.085		424	0.12
	566	0.005		423	0.12
	563	0.115		417	0.17
	562	0.10		418	0.11
	561	0.115		415	0.015
				412	0.24
				1132	0.015

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Pakri No. 31— <i>contd.</i>	404	0·15	Sipara No. 27— <i>contd.</i>	538	0·48
	411	0·03		568	0·015
	410	0·38		569	0·20
	409	0·19		567	0·005
	299	0·08		572	0·02
	413	0·10		570	0·22
Sipara No. 27	544	0·25		497	0·065
	609	0·06		498	0·15
	545	0·075		499	0·245
	541	0·27		492	0·03
	540	0·215		493	0·38
	539	0·225		487	0·025
				494	0·02

[No. 31/47/63-ONG—(5 PAT).]

New Delhi, the 17th September, 1964.

S.O. 3473.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1330 dated the 9th April 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

STATE—BIHAR

DISTRICT—SANTHAL PARGANA

Village with thana No.	Survey No. (Plot No.)	Extent in acre
Bewa No. 8 Sardari Circle Jamtara	5965	0·01

[No. 31/47/63-ONG/12 JAT.]

New Delhi, the 24th September 1964

S.O. 3474.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2787, dated the 3rd August, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE
STATE—UTTAR PRADESH TAHSIL—CHAIL DISTRICT—ALLAHABAD

Village	Survey No.	Extent		
		B.B.B.		
1. Farid Purtappa Malak	81	0	11	0

[No. 31/50/63-ONG-(Chail).]

S.O. 3475.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2133, dated the 5th June, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE
STATE—UTTAR PRADESH TAHSIL—FATEHPUR DISTT.—FATEHPUR

Village	Survey No.	Extent		
		B.B.B.		
1. Jhaupur	1	0	3	0
	2	0	0	10
2. Khambhapur	215	0	0	10
	224	0	2	0
	237	0	1	0
	234	0	0	10
	235	0	0	5
	241	0	2	10
3. Shadipur Khurd	248	0	2	0
	268	0	3	0
	269	0	2	5
	274	0	7	0
	275	0	0	5

[No. 31/50/63-ONG. VOL.7.]

S.O. 3476.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2786, dated the 3rd August, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE		
STATE—UTTAR PRADESH	TAHSIL—CHUNAR	DIST.—MIRZAPUR
Village	Survey No.	Extent B.B.B.
*1. Jai Ram Pur	116/1	0 1 0
2. Kulaund	269/1.2	0 2 10

[No. 31/50/63-ONG. VOL.1.]

CORRIGENDUM

New Delhi, the 21st September 1964

S.O. 3477.—In the Schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2028, dated 27th May, 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 13th June, 1964 read Survey Plot No. 3672 for 3673 against extent "0.33" acres in Village Mor T. No. 33.

This Ministry's S.O. No. 3253, dated the 2nd September, 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 12th September, 1964 is hereby cancelled.

[No. 31/47/63-ONG-4 BAR.]

New Delhi, the 23rd September 1964

S.O. 3478.—In the schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2720, dated the 25th July, 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 8th August, 1964,—

- (1) At page 3122 for "Survey No. 27/32" read "Survey No. 27/12" of Village Amognpur.
- (2) At page 3123 for "Survey No. 143/3" read "Survey No. 141/3" of village Mawai Khurd.

[No. 31/50/63-ONG/CHND.]

S.O. 3479.—In the schedule to the notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2501, dated the 22nd August, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the

31st August, 1963, for 'Survey No. 620' read 'Survey No. 621 of village Bhara-hatha'.

[No. 31/50/63-ONG-CHUNAR.]

S.O. 3480.—In the schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 990, dated the 10th March 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 21st March, 1964,—

- (1) In Village Phulwari T. No. 35 read Plot No. 994 for 794.
- (2) In village Beur T. No. 33 against Plot No. 252 read extent "0.005" acres for "0.000" acres.
- (3) In Village Pakri T. No. 31 against Plot No. 339 read extent "0.11" acres for "0.011" acres.

[No. 31/47/63-ONG/5-PAT.]

P. P. GUPTA, Under Secy.

MINISTRY OF COMMERCE

(Office of the Joint Chief Controller of Imports and Exports)
(Central Licensing Area)

ORDER

New Delhi, the 11th August 1964

S.O. 3481.—Whereas M/s Rajasthan Electronics, Alwar City or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. JCCLI(CLA)/26/64/342 & 343, dated 18th June 1964 proposing to cancel Licences Nos. (1) A576991/62, dated 27th November 1962 for Amplifier Parts for Rs. 1,720/-, (2) A574369/62, dated 8th January 1963 for Amplifier Parts for Rs. 6,441/-, (3) A573594/62, dated 23rd January 1963 for Components of Tape Recorders for Rs. 12,113/-, (4) A574792/62, dated 2nd January 1963 for Cheap Radio Parts for Rs. 20,400/-, (5) A569579/62, dated 30th May 1963 for Radio Parts for Rs. 7,125/-, (6) A569578/62, dated 30th May 1963 for Car Radio Parts for Rs. 4,038/- and (7) A576954/62, dated 27th November 1962 for Cheap Radio Parts for Rs. 8,400/- granted to M/s. Rajasthan Electronics Alwar City by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), Janpath Barracks 'B', New Delhi, Government of India in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order 1955, hereby cancel the said licences as mentioned above, issued to M/s. Rajasthan Electronics, Alwar City.

[No. JCCLI (CLA)/26/64/1313.]

S. K. SEN, Jt. Chief Controller.

Office of the Joint Chief Controller of Imports and Exports

NOTICES

Calcutta, the 22nd August 1964

S.O. 3482.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce propose to cancel licence No. P/SS/1540007/C/XX/18/C/17-18/AU-VII, dated the 13th December, 1963 valued at Rs. 4,428 only for import of Cellulose Acetate Moulding Powder from the General Area except South and South West Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. New Excellent Optical, 38/1, Lower Chitpore Road, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, within ten days of the date of issue of this notice by

the said M/s. New Excellent Optical, 38/1, Lower Chitpore Road, Calcutta or any Bank or any other party who may be interested in it.

It is reported that there is no existence of the licence-holder's firm or factory and as such the Government of India in the Ministry of Commerce are satisfied that the licence will not serve the purpose for which it has been granted.

M/s. New Excellent Optical, 38/1, Lower Chitpore Road, or any Bank or any other party who may be interested in the said licence No. P/SS/1540007/C/XX/18/C/17-18/AU-VII, dated 13th December, 1963 are hereby directed not to enter into any commitments against the said licence and to return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 125/63/I&L.]

S.O. 3483.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce propose to cancel licence No. A961990/62/AU/CCI/C, dated 5th February, 1963 valued at Rs. 2,790 only for import of Cellulose Nitrate Sheets from the General Area except South and South West Africa granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. New Excellent Optical, 33, Phears Lane, Calcutta-12 unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, within ten days of the date of issue of this notice by the said M/s. New Excellent Optical, 33, Phears Lane, Calcutta or any Bank or any other party who may be interested in it.

It is reported that there is no existence of the licence holder's firm or factory and as such the Government of India in the Ministry of Commerce are satisfied that the licence will not serve the purpose for which it has been granted.

M/s. New Excellent Optical, 33, Phears Lane, Calcutta or any Bank or any other party who may be interested in the said licence No. A961990/62/AU/CCI/C, dated 5th February, 1963 are hereby directed not to enter into any commitments against the said licence and to return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 125/63/I&L.]

S.O. 3484.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce propose to cancel licence No. A961991/62/AU/CCI/C, dated 5th February, 1963 value at Rs. 1,960 only for the import of Cellulose Acetate Moulding Powder from the General Area except South and South West Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. New Excellent Optical, 33, Phears Lane, Calcutta-12, unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports within ten day of the date of issue of this notice by the said M/s. New Excellent Optical, Calcutta-12, or any Bank or any other party who may be interested in it.

It is reported that there is no existence of the licence holder's firm or factory and as such the Government of India in the Ministry of Commerce are satisfied that the licence will not serve the purpose for which it has been granted.

M/s. New Excellent Optical, 33, Phears Lane, Calcutta-12, or any Bank or any other party who may be interested in the said licence No. A961991/62/AU/CCI/C, dated 5th February, 1963 are hereby directed not to enter into any commitments against the said licence and to return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 125/63/I&L.]

S.O. 3485.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce propose to cancel licence No. A961989/62, dated 5th February 1963 valued at Rs. 2,059 only for import of Cellulose Acetate Butyrate Moulding Powder from the General Area except South and South West Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. New Excellent Optical, 33, Phears Lane, Calcutta-12 unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports within ten days of the date of issue of this notice by the said M/s. New Excellent

Optical, 33, Phears Lane, Calcutta-12 or any Bank or any other party who may be interested in it.

It is reported that there is no existence of the licence holder's firm or factory and as such the Government of India in the Ministry of Commerce are satisfied that the licence will not serve the purpose for which it has been granted.

M/s. New Excellent Optical, 33, Phears Lane, Calcutta-12 or any Bank or any other party who may be interested in the said licence No. A961989/62/AU/CCI/C, dated 5th February, 1963 are hereby directed not to enter into any commitments against the said licence and to return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 125/63/I&L.]

D. D. BHARGAVA,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF INDUSTRY AND SUPPLY

(Department of Industry)

CORRIGENDUM

New Delhi, the 23rd September 1964

S.O. 3486.—In the Ministry of Industry & Supply Order No. S.O. 3240, dated the 1st September, 1964, published in Part II, Section 3 Sub-section (ii) of the Gazette of India, dated the 12th September, 1964:—

For 17 Shri K. M. Modi,
M/s. Modi Rayon & Art-Silk Mills,
Modinagar (U.P.).

Read 17 Shri K. N. Modi,
M/s. Modi Rayon & Art-Silk Mills,
Modinagar (U.P.).

[No. 2(1) Dev. Councils/64.]

S. P. KRISHNAMORTHY, Under Secy.

(Indian Standards Institution)

New Delhi, the 4th August 1964

S. O. 3487.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that fifteen licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

SL No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-738 10-7-1964	1-8-64	31-7-65	M/s. Flintrock Products Private Ltd., Belvedere Road, Mazagaon, Bombay-10	Aldrin Dusting Powders	IS: 1308-1958 Specification for Aldrin Dusting Powders.
2	CM/L-739 10-7-1964	1-8-64	31-7-65	M/s. International Engineering, Service, 54, Agra Road, Bhandup, Bombay-78	Domestic Pressure Cookers (Pressed) 12 Litre Capacity	IS: 2347-1963 Specification for Domestic Pressure Cookers.
3	CM/L-740 10-7-1964	1-8-64	31-7-65	The Bombay Paints & Allied Products Ltd., 248 Ripon Road, Bombay-8.	(a) Enamel, Brushing, Exterior, Type 1 (Synthetic), (1) Undercoating (2) Finishing Colour as Required (b) Enamel, Brushing Exterior, Type 2 (1) Undercoating (2) Finishing Colour as Required	IS: 520-1954 Specification for Enamel, Brushing, Exterior, Type 1 (Synthetic), (1) Undercoating (2) Finishing Colour as Required. IS: 522-1954 Specification for Enamel, Brushing, Exterior, Type 2, (1) Undercoating (2) Finishing Colour as Required.
4	CM/L-741 10-7-1964	1-8-64	31-7-65	M/s. Himachal Govt. Rosin & Turpentine Factory, Nahan (Himachal Pradesh)	Gum Spirit of Turpentine Grades 1 and 2	IS: 533-1954 Specification for Gum Spirit of Turpentine (Oil of Turpentine).
5	CM/L-742 21-7-1964.	16-8-64	15-8-65	M/s. Pest Control Corporation, 2/4 Central Park, Jadavpur, Calcutta having their Office at 27 Bentinck Street, Calcutta-1	Endrin Emulsifiable Concentrates.	IS: 1310-1958 Specification for Endrin Emulsifiable Concentrates

6	CM/L-743 21-7-1964	16-8-64	15-8-65	M/s. Pest Control Corporation, 2/4, Central Park, Jadavpur, Calcutta having their Office at 27, Bentinck Street, Calcutta-1.	Dieldrin Emulsifiable Concentrates.	IS: 1054-1962 Specification for Dieldrin Emulsifiable Concentrates.
7	CM/L-744 23-7-1964	16-8-64	15-8-65	M/s. Bengal Potteries Ltd., 3, Pagaladanga Road, Calcutta having their Office at 45, Tangra Road, Calcutta-15.	Porcelain Insulators for Overhead Power Lines (11 kV, Pin Type).	IS: 731-1963 Specification for Porcelain Insulators for Overhead Power Lines (3.3 kV and above). (Revised)
8	CM/L-745 24-7-1964	16-8-64	15-8-65	M/s. Lloyd Bitumen Products, A5, A6, A7, Bon-Hooghly Industrial Estate, B. T. Road, Baranagore having their Office at 4A, Royd Street, Calcutta-16.	Hot Applied Sealing Compounds or Joints in Concrete Grade 'B' (Jet Fuel Resistant).	IS: 1834-1961 Specification for Hot Applied Sealing Compounds for Joints in Concrete.
9	CM/L-746 24-7-1964	1-9-64	31-8-65	M/s. Speedwell Electricals Private Ltd., B-1, Industrial Estate, Sanatnagar, Hyderabad.	Fractional Horse Power Electric Motors (Three-Phase Only).	IS: 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.
10	CM/L-747 27-7-1964	1-9-64	31-8-65	M/s. Radio & Electricals Mfg. Co. Ltd., Mysore Road, Bangalore-18.	Water Meters (Domestic Type).	IS: 779-1961 Specification for Water Meters (Domestic Type).
11	CM/L-748 29-7-1964	1-9-64	31-8-65	M/s. Eagle Paint & Pigment Industries Private Ltd., 51, Chanditalla Main Road, Tollygunge, 24, Parganas having their Office at 135, Canning Street, Calcutta-1.	Ready Mixed Paint, Brushing, Finishing, Semi-Gloss, for General Purposes.	IS: 123-1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss for General Purposes, to Indian Standard Colours. New line (Revised)
12	CM/L-749 29-7-1964	1-10-64	30-9-65	M/s. Hargolal & Sons, Hargolal Road, Ambala Cantt.	One-Mark Pipettes 20 ml Classes A & B, and 25 ml. Class B	IS: 1117-1958 Specification for One-Mark Pipettes.
13	CM/L-750 30-7-1964	1-9-64	31-8-65	M/s. Ankar Industries, Jessore Road, P. O. Madhyamgram, 24-Parganas (West Bengal).	BHC Emulsifiable Concentrates	IS: 632-1958 Specification for BHC Emulsifiable Concentrates.
14	CM/L-751 30-7-1964	16-8-64	15-8-65	M/s. Himachal Govt. Rosin & Turpentine Factory, Nahan (Himachal Pradesh),	Rosin (Gum Rosin) Types—Pale, Medium and Dark.	IS: 553-1955 Specification for Rosin (Gum Rosin).
15	CM/L-752 31-7-1964	1-9-64	31-8-65	M/s. Indian Plastics Ltd., Poisar Bridge, Kandivli, Bombay-67 NB.	Plastic Water-Closet Seats and Covers.	IS: 2548-1963 Specification for Plastic Water-Closet Seats and Covers.

[No. MD/33:16]

S. K. SEN;
for Joint Director.




(Indian Standards Institution)

New Delhi, the 22nd September 1964

S.O. 3488.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark(s) design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark (s), for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from the dates shown against them.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1		Electric Radiators for Domestic Use.	IS : 369-1952 Specification for Electric Radiators for Domestic Use (Tentative).	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 Oct. 1964.
2		Ball Valves (Horizontal Plunger Type) Including Floats for Water Supply Purposes.	IS:1703-1962 Specification for Ball Valves (Horizontal Plunger Type) Including Floats for Water Supply Purposes.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 Sep. 1964.
3		Steel Drums (Galvanized and ungalvanized).	IS : 2552-1963 Specification for Steel Drums (Galvanized and ungalvanized).	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed	Immediate effect.

(1)	(2)	(3)	(4)	(5)	(6)
					on the top side and the relevant Grade designation being superscribed under the bottom side of the monogram as indicated in the design.

[No. MD/17:2]

S.O. 3489.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964 the Indian Standards Institution hereby notifies that the marking fee per unit for Various Products, details of which are given in the Schedule hereto annexed, have been determined and the fees shall come into force with effect from the dates shown against them.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1	Electric Radiators for Domestic Use.	IS: 369-1952 Specification for Electric Radiators for Domestic Use (<i>Tentative</i>)	One piece	10 Paise	1 October 1964.
2	Ball Valves (Horizontal Plunger Type) Including Floats For Water Supply Purposes.	IS: 1703-1962 Specification for Ball Valves (Horizontal Plunger Type) Including Floats For Water Supply Purposes.	One piece	1.5 Paise	16 September 1964.

[No. MD/18:2]

S.O. 4490.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964 the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 8 September to 21 September 1964.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS : 336-1964 Specification for Ether (<i>Revised</i>).	IS : 336-1954 Specification for Ether (a) Solvent and (b) Anaesthetic.	This standard prescribes the requirements and the methods of sampling and test for ether. The material is used as a solvent in many operations both in industry and the laboratory including extraction of oils and fats. It is also used extensively as an anaesthetic. (Price Rs. 4.50).

(2)	(3)	(4)
2 IS : 403-1964 Methods of Chemical Analysis of Lead and Antimonial Lead.	IS : 403-1952 Method of Chemical Analysis of Lead.	This standard prescribes methods for the determination of arsenic, antimony, tin, copper, zinc, bismuth, iron, silver, sulphur, tellurium, nickel, cobalt and cadmium in the ranges as prescribed in the relevant Indian Standard specifications on lead and antimonial lead. Methods for determination of lead and antimony in antimonial lead have also been included. (Price Rs. 5.50).
3 IS : 1303-1963 Glossary of Terms Relating to Paints (<i>Revised</i>).	IS : 1303-1958 Glossary of Terms Relating to Paints.	This standard defines the technical terms widely used in the Indian Paint Industry, and includes terms for paints, varnishes, enamels and other surface coating materials. (Price Rs. 6.50).
4 IS : 2633-1964 Methods of Testing Weight, Thickness and Uniformity of Coating on Hot Dipped Galvanized Articles.	IS : 429-1954 Methods for Testing Weight and Uniformity of Coating on Galvanized Iron and Steel Wires and Steel Sheets.	This standard covers test procedures for the determination of weight, thickness and uniformity of zinc coating on hot dipped galvanized articles. (Price Rs. 2.50).
	IS : 728-1956 Methods for Determination of Weight, Thickness and Uniformity of Coating on Galvanized Articles other than Wires and Sheets.	
5 IS : 2634-1964 Sizes of Machine-Tool Tables.	..	This standard prescribes the widths of tables and the pitches of T-slots to be provided on Tables for machine tools. It also gives the maximum number of T-slots with different pitches to be provided on the various widths of tables. (Price Re. 1.00).
6 IS : 2671-1964 Specification for Interlocked Milling Cutters.	..	This standard covers the dimensions and requirements for interlocked milling cutters. (Price Re. 1.00).
7 IS : 2678-1963 Dimensions for Wrought Aluminium and Aluminium Alloys, Drawn Tube.	..	This standard lays down the dimensions and tolerances for wrought aluminium and aluminium alloys in the form of drawn tube with parallel bore. (Price Rs. 1.50).

(1)	(2)	(3)	(4)
8	IS:2687—1964 Specification for Cap Nuts and Domed Cap Nuts.	..	This standard prescribes the requirements of cap nuts of sizes M6 up to M36 with coarse pitches, and M8X1 up to M36X3 with fine pitches and domed cap nuts of sizes M6 upto M24 with coarse pitches and M8X1 up to M24X2 with fine pitches. (Price Rs. 2.00).
9	IS:2692—1964 Specification for Ferrules for Water Services.	..	This standard lays down the nominal sizes and the requirements regarding material, manufacture and workmanship construction, and testing of, non-ferrous screw-down ferrules for use on water supply mains. (Price Rs. 2.50).
10	IS: 2705 (Part I)—1964 Specification for Current Transformers Part I General Requirements.	..	This standard (Part I) covers the the general requirements applicable to current transformers both for use with electrical measuring instruments and meters and with electrical protective devices. This standard basically applies to current transformers with separate windings, but where appropriate, it will also apply to auto-transformer type current transformers. (Price Rs. 4.50).
11	IS:2705 (Part II)—1964 Specification for Current Transformers Part II Measuring Current Transformers.	..	This part of the standard gives the specific requirements for measuring current transformers for use with measuring indicating instruments and integrating meters. (Price Rs. 2.00).
12	IS:2746—1964 Specification for Spring Boards.	..	This standard relates to spring boards which are essential equipment in all national and international sports events. (Price Re. 1.00).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution Manak Bhavan 9, Bahadur Shah Zafar Marg, New Delhi-1, and also its branch offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2nd Floor, Sathyamurthy Bhavan, 54 General Patters Road, Madras-2, and (iv) 14/69 Civil Lines, Kanpur.


[No. MD/13:2]

New Delhi, the 23rd September 1964

S. O. 3491.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark (design) of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 1 October 1964.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
		Tracing Cloth	IS: 2037—1962 Specification for Tracing Cloth.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17:2]

S. O. 3492.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that amendment to the Indian Standard, given in the Schedule hereto annexed, has been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard amended	No. & Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & Date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 633-1956 Specification for DDT Emulsifiable Concentrates,	S.R.O. 2029 dated 22 June 1957.	No. 3 August 1964	<p>(i) The existing sub-clause 3.2.2 has been substituted by a new one.</p> <p>(ii) The existing Appendix C has been substituted by a new one.</p> <p>(iii) The existing sub-clauses E-2.1.4 and E-3.1.4 have been substituted by new ones.</p> <p>(iv) Clause F-2.1, lines 6 and 7—Substitute '3 days' for 'a week'.</p>	Immediate effect.

Copies of this amendment slip are available free of cost, with the Indian Standards Institution Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:5]

S. O. 3493.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964 the Indian Standards Institution hereby notifies that the marking fee per unit for, Tracing Cloth, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 October 1964.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
	Tracing Cloth	IS: 2037—1962 Specification for Tracing Cloth	100 Meters	50 Paise

[No. MD/18:2]

S. O. 3494.—In pursuance of sub-regulation (1) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been cancelled.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Cancelled	No. and date of the Gazette Notification in which establishment of the Indian Standard was notified
1	IS: 429-1954 Methods for Testing Weight and Uniformity of Coating on Galvanized Iron and Steel Wires and Steel Sheets.	S.R.O. 658 dated 26 March 1955 published in the Gazette of India, Part II, Section 3 dated 26 March 1955.
2	IS: 728-1956 Methods for Determination of Weight, Thickness and Uniformity of Coating on Galvanized Articles other than Wires and Sheets.	S.R.O. 2677 dated 5 November 1956 published in the Gazette of India, Part II, Section 3 dated 17 November 1956.

[No. MD/13:7]

S. K. SEN,
Deputy Director (Marks)

MINISTRY OF HEALTH

New Delhi, the 26th September 1964

S.O. 3495.—In pursuance of sub-section (2) of section 52 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby directs that except the power mentioned in section 41 and the power to make rules, the power exercisable by it under the said Act, in connection with the acquisition, development and disposal of land for the Delhi Development Authority may also be exercised by the Chief Commissioner, Delhi.

[No. F. 27-6 '64-L.S.G. I.]

A. P. MATHUR, Under Secy.

MINISTRY OF TRANSPORT*New Delhi, the 22nd September 1964*

S.O. 3496.—In exercise of the powers conferred by sub-section (1) of section 15 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby reappoints Shri M. K. Venkatachalam, Controller of Capital Issues, New Delhi and Shri B. T. Merchant, Solicitor to the Government of India, Ministry of Law, New Delhi as members of the Shipping Development Fund Committee with effect from the 22nd September 1964.

[No. 33-MD(93)/64.]

B. P. SRIVASTAVA, Dy. Secy.

(Transport Wing)*New Delhi, the 21st September 1964*

S.O. 3497.—In exercise of the powers conferred by clauses (a), (b), (c) and (d) of section 87 read with section 83 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules further to amend the Merchant Shipping (Examination of Engineers in the Merchant Navy) Rules, 1963, namely:—

1. These rules may be called the Merchant Shipping (Examination of Engineers in the Merchant Navy) Amendment Rules, 1964.

2. In the Merchant Shipping (Examination of Engineers in the Merchant Navy) Rules, 1963, for sub-rule (2) of rule 1, the following sub-rule shall be substituted, namely:—

“(2) They shall come into force on the 1st day of January, 1965.”

[No. 30-ML(9)/59-MD.]

J. V. DASS, Under Secy.

MINISTRY OF COMMUNICATIONS**(P. & T. Board)***New Delhi-1, the 26th September, 1964.*

S.O. 3498.—In exercise of the powers conferred by sections 21 and 32 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Fifth Amendment) Rules, 1964.

2. For sub-rule (1) of rule 44 of the Indian Post Office Rules, 1933, the following sub-rule shall be substituted, namely:—

“(1) Gold coin or bullion, or both of value exceeding Rs. 2,500/- shall not be transmitted by post. The value for the purposes of this sub-rule, the second proviso to rule 72, clause (g) of the second proviso to rule 81 and rule 83-A shall be the market value on the date and at the place of posting.”

[No. 48/3/62-CI.]

A. V. SESHANNA, Director Postal Technical.

MINISTRY OF CIVIL AVIATION*New Delhi, the 7th September 1964*

S.O. 3499.—In exercise of the powers conferred by Section 4 of the Air Corporations Act 1953 (27 of 1953) the Central Government hereby appoints, with

immediate effect, Air Marshal Arjan Singh, Chief of Air Staff, as a member of Air-India and the Indian Airlines *vice* Air Marshal A. M. Engineer, resigned.

[No. 3-AC(11)/62.]

K. GOPALAKRISHNAN, Dy. Secy.

MINISTRY OF COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Cooperation)

New Delhi, the 25th September 1964

S.O. 3500.—In exercise of the powers conferred by Section 8(1) of the National Co-operative Development Corporation Act, 1962 (No. 26 of 1962), the Central Government, in consultation with the National Co-operative Development Corporation, have appointed on his return from training abroad, Shri S. S. Puri, Deputy Secretary to the Government of India, in the Ministry of Community Development and Co-operation, as Secretary of the Corporation with effect from the forenoon of the 1st August, 1964.

[No. F.2-12/64-Plan.]

S.O. 3501.—Shri N. P. Chatterji, Joint Secretary in the Ministry of Community Development and Co-operation, relinquished the additional charge of the post of Secretary, National Co-operative Development Corporation with effect from the afternoon of the 31st July, 1964.

[No. F.2-12/64-Plan.]

R. VENGU, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 24th September 1964

S.O. 3502.—Whereas by the notification of the Government of India in the Ministry of Education No. F. 4-24/63-C.I., dated the 22nd May, 1964 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 6th June, 1964, the Central Government gave notice of its intention to declare the area near or adjoining the protected monument specified in the Schedules attached hereto to be a prohibited area or a regulated area for purposes of mining operation or construction or both.

And, whereas, no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by the rule 32 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby declares the area shown in Schedule I to be a prohibited area and that shown in Schedule II to be a regulated area.

SCHEDULE I

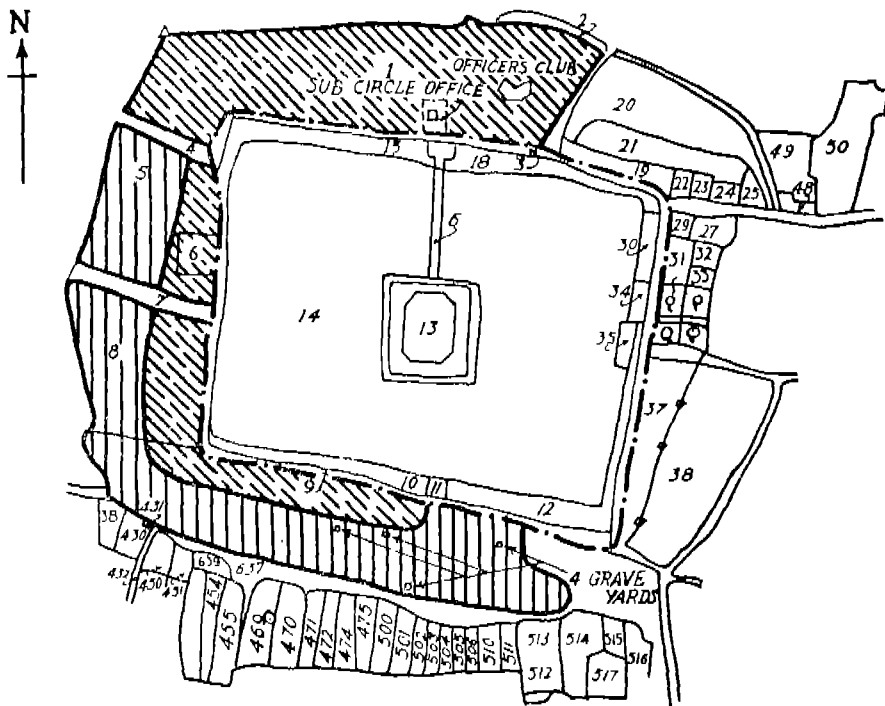
State	District	Tehsil	Locality	Name of monument	Revenue numbers declared	Plot to be prohibited	Area	Ownership	Details of modern construction if any in the area to be declared prohibited	Remarks
1	2	3	4	5		6	7	8	9	10
Bihar	Shahabad	Sasaram Revenue Thana No. 126	Sasaram	Sher Shah's Tomb	Part of survey Plot Nos. 1, 2, 5, whole of Survey plot No. 6 and parts of survey plot Nos. 8 and 633, as shown in the plan reproduced below excluding the existing modern building.		12.55 acres	State Govt.	Buildings of Officers Club and Sub-Office of the Archaeological Survey of India, besides a well and a wall.	

SCHEDULE II

State	District	Tehsil	Locality	Name of monument	Revenue plot numbers to be declared regulated	Area	Ownership	Details of modern construction if any in the area to be declared regulated	Remarks
1	2	3	4	5	6	7	8	9	10
Bihar	Shahabad	Sasaram Revenue Thana No. 126	Sasaram	Sher Shah's Tomb	Part of survey plot Nos. 5, 8 and 633 as shown in the plan reproduced below excluding the existing modern buildings.	9.52 acres	State Govt.	There are four newly constructed grave yards covering area of .006 acres, a pumping well and a wall.	

SITE PLAN OF SHER SHAH'S TOMB AT SASARAM

0 100 200 300 METRES. 0 300 600 FEET



REFERENCES:

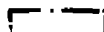
AREA PROPOSED TO BE REGULATED



AREA " " " PROHIBITED



AREA ALREADY PROTECTED



[No. F. 4-24/63-C.I.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF WORKS & HOUSING

New Delhi, the 23rd September 1964

S.O. 3503.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of officers 1	Categories of public premises and local limits of jurisdiction 2
Under Secretary, (Social Welfare 4), Department of Social Security.	Tenements of Kasturba Niketan, Lajpatnagar, New Delhi.

[No. 32/20/64-Acc.II.]

S.O. 3504.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 568, dated the 24th February, 1962 namely:—

In the table below the said notification, the entries against Serial No. 3 shall be deleted.

[No. F. 24/1/62-EE.II/Acc.II.]

S.O. 3505.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of officer 1	Categories of public premises and local limits of jurisdiction 2
Administrative Officer, Film Institute of India, Poona.	Premises under the administrative control of Film Institute of India, Poona.

[No. 32/22/64-Acc.II.]

H. S. JAIN, Under Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 22nd September 1964

S.O. 3506.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee property specified in the Schedule hereto annexed in the State of Madhya Pradesh for public purpose being a purpose connected with the Relief and Rehabilitation of Displaced Persons including payment of Compensation to such payment.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, it is notified that the Central Government has decided to acquire and hereby acquire the Evacuee Properties specified in the Schedule here annexed.

SCHEDULE

Serial No.	Particulars of the Property	Name of the town and locality in which the pro- perty is situated	Name of the evacuee with parentage
1	Agricultural land	Land in village Mungwara, Tehsil and Distt. Vidisha. Area Khata No. Big. Bis.	Shri Mohd. Ahmed son of not known.
1.	73	3	16
2.	106	4	1
3.	112/1	24	..
4.	113	2	18
5.	122	2	9
6.	133	10	1
7.	134/2	8	17
8.	138	13	15
9.	146	6	18
10.	148	1	..
11.	150	23	1
12.	152	22	8
13.	165	..	13
14.	375	3	8
15.	393/2	4	1
16.	397	4	5
17.	399	6	4
18.	101	1	9
19.	111	10	15
20.	112/2	24	7
21.	117	1	12
22.	123	6	1
23.	134/1 }	3	2
24.	137/1 }		
25.	137/2 }	4	17
26.	145	11	8
27.	147	12	4
28.	151	0	16
29.	160	18	13
30.	171	2	11
31.	378	9	9
32.	396	23	10
33.	398	1	14
34.	400	8	2
35.	401	14	5
36.	407	2	12
37.	435	23	1
38.	561	..	4
39.	568	..	16
40.	582	5	13
41.	595/1	0	1
42.	597	1	15
43.	599	..	5
44.	601	..	6
45.	608	2	19
46.	611	0	13
47.	814	5	18
48.	816	5	6
49.	929/1	1	15
50.	930/2	2	19
51.	595/2	..	3
52.	402/1	3	5
53.	433	9	10

Serial No.	Particulars of the property	Name of the town and locality in which the property is situated	Name of the evacuee with parentage
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54. 437	}	35	1
55. 436			
56. 517			
57. 565			
58. 570		..	14
59. 591		..	2
60. 596		..	1
61. 598		1	5
62. 600		..	13
63. 602		6	4
64. 609		2	9
65. 626		..	2
66. 815		11	13
67. 817		3	18
68. 930/1		2	2
69. 591/2		0	9

Area 425 Bigha 16 Biswa

2 Agricultural land

- Land in village Mungwara Tehsil and Distt. Vidisha. Shri Mohd. Athaker son of no^r known.

Khata No.	Big. Bis.
1. 706	26 10
2. 758	1 10
3. 840	9 2
4. 1166	12 16
5. 1168	1 9
6. 1182	5 10
7. 1184	1 7
8. 1186/1	4 3
9. 1187/2	.. 3
10. 1188/2	4 3
11. 1190/1	1 10
12. 1192	6 17
13. 1238	3 15
14. 1245	.. 10
15. 757	4 2
16. 758/2	1 2
17. 848	10 3
18. 1167	19 6
19. 1169	6 18
20. 1183	3 10
21. 1187	.. 10
22. 1186/2	} 9 7
23. 1187/1	
24. 1188/1	
25. 1189	.. 8
26. 1191	3 10
27. 1205	5 2
28. 1244	.. 8

Area 146 Bighas 10 Biswas.

3 Agricultural Land

- Land in village Rajnagar, Distt. Chhatarpur. Shri Mohd. Ibrahim son of Chand Khan.

Khasra No.	Area
1. 1295	0.13
2. 1296	0.84
3. 1297	0.35
4. 1298	0.16

Serial No.	Particulars of the property	Name of the town in which the property is situated	Name of the evacuee with parentage
		5. 1299	1.28
		6. 1300	0.94
		7. 1301	0.30
		8. 1306	1.10
		9. 1307	0.24
		10. 1308	0.31
		11. 1309	0.88
		12. 1310	0.25
		6.78 acres.	
4	House No. 1735, excluding portion occupied by Shrimati Waziran Bi (2 Rooms marked 'C').	Mohalla Tall Mhow, Distt. Indore.	Shri Chand Khan son of Peer Khan.
5	House No. Nil.	Mohalla Gosh Pura, Gwalior City.	Shri Panna Mohd. son of Ramjo

[No. 4(2) Pol. II/58-L & R.]

ORDER*New Delhi, the 25th September 1964*

S.O. 3507.—In the order issued in pursuance of rule 76-A of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 *vide* Notification No. F. 15(27) Pol. I/60 (Comp. & Prop), dated the 3rd February, 1964 for the words and figures "30th September, 1964", the words the figures "31st March, 1965", shall be substituted.

[No. F. 14(22) Comp. & Prop/64.]

M. J. SRIVASTAVA,

Settlement Commissioner & *Ex-Officio*

Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING**ORDERS***New Delhi, the 19th September 1964*

S.O. 3508.—In pursuance of the Directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Films Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Marathi to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the Film	Length 35mm	Name of the applicant	Name of the producer.	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5	6
1	Maharashtra News Reel No. 147	287M	Films Officer, Government of Maharashtra, Bombay.	Govern- ment of Maharashtra,	Film dealing with news and current events. (For Maharashtra State only).
2	'Amhi Susajja Ahot'	289·86M	Films Officer, Government of Maharashtra, Bombay.	Govern- ment of Maharashtra,	Film intended for educational purposes. (For Maharashtra State only).

[No. 24/1/64-FP. App. 943.]

S.O. 3509.—In pursuance of the Directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendation of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the Film	Length 35 mm	Name of the applicant	Name of the producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	'Bandhanma Vikas'	297·79	Director of Information, Government of Gujarat, Ahmedabad.	Information, Government of Gujarat,	Film intended for educational purposes (For release in Gujarat State only).

[No. 24/1/64-FP. App. 944.]

J. K. JAIN, Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 22nd September 1964

S.O. 3510.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act 1957, the Delhi Development Authority has

replaced at the disposal of the Central Government of land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works & Housing, Government of India, New Delhi for further transfer to the Municipal Corporation of Delhi for Children's Park in Multani Dhandra.

SCHEDULE

Piece of land measuring 1,650 sq. yds. bearing khasra Nos. 1049/30 situated in Qadam Sharif Estate.

The above piece of land is bounded as follows:—

North: Bagichi Allaudin Khasra No. 32-33/1 min.

South: Road.

East: Road Giaraha quarters.

West: Road.

[No. L.2(17)/59.]

R. K. VAISH, Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 22nd September 1964

S.O. 3511.—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following rules further to amend the Dock Workers (Advisory Committee) Rules, 1962, namely:—

1. These rules may be called the Dock Workers (Advisory Committee) Amendment Rules, 1964.

2. In rule 4 of the Dock Workers (Advisory Committee) Rules, 1962, for the words and brackets "the Chief Labour Commissioner (Central)", the words "the Deputy Secretary in the Ministry of Labour and Employment" shall be substituted.

[No. 528(75)/64-Fac.]

K. D. HAJELA, Under Secy.

New Delhi, the 22nd September 1964

S.O. 3512.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in respect of an application filed by Shri K. Umesh Nayak of the Canara Industrial and Banking Syndicate Limited, under section 33A of the said Act, which was received by the Central Government on the 19th September, 1964.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.

PRESENT:

Dr. Mir Sladat Ali Khan, M.A., LL.B., Fazel (Osm) B.C.L., (Oxon); D.Phil., (Oxon); Bar-at-Law; (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

Miscellaneous Petition No. 17/1964

IN

Industrial Dispute No. 47/1963.

BETWEEN

Shri K. Umesh Nayak, Clerk, Canara Industrial & Banking Syndicate, Bombay-1.

AND

The Syndicate Bank Ltd., (formerly known as the Canara Industrial & Banking Syndicate Ltd.) having its Head Office at Udupi (South Kanara).

APPEARANCES:

Sarvashri K. K. Mundul and Sri N. V. Reddy for Workmen.

Sri B. K. Seshu, Advocate for the employers.

AWARD

K. Umesh Nayak, an employee of the Syndicate Bank Ltd. has filed this complaint No. 17/1964 against his employer, under section 33-A of the Industrial Disputes Act XIV/1947 (hereinafter referred to as the Act). He has alleged that the employer has contravened section 33(2) (b) of the Act in dismissing him by order dated 4th January, 1964 without filing any petition under section 33(2)(b) for the approval of the Tribunal and without paying him one month's wages as is provided in the said sub-section. The employer was bound to do that, as there were industrial disputes pending. These were industrial disputes Nos. 47/1963 and 33/1963. Hence, this complaint.

2. On the other hand, the employer's allegations are (1) that it was wrong to file the complaint in the vague manner that it is either under industrial dispute 47/1963 or the industrial dispute 33/1963 and that it is incorrect on the part of the office of the industrial tribunal to treat it as filed under the former; (2) The industrial dispute No. 47/1963 was not pending on the date of dismissal. The reason is that it was a dispute over the demotion of two employees, N. V. Appala Char and D. Narayana Rao. The employer had agreed to set aside their demotion and had restored them to their original jobs. The reference was made by the Government as it was not informed of the facts. The employer has added that (3) as no dispute was pending, section 33(2) (b) of the Act is not attracted and (4) the said provision is not attracted for the reason also that the complainant was not a concerned workman in the dispute 47/1963.

2(1): I considered these allegations carefully. I am afraid, I do not agree. The Act prescribes the commencement, continuation and the termination of the proceedings. The proceedings before the Industrial Tribunal start from the date of the reference and last till an award is passed and one month after it has also passed. The reference in I. D. 47/1963 was made on 26th December, 1963 and the award was passed on 31st January, 1964. Without considering the other dates of its publication and the period of one month after it, it is evident that on the date of dismissal, 4th January, 1964, the industrial dispute No. 47/1963 was pending. Regarding the alternative pleading, I feel that no rule of Law or natural justice is violated by it and, even if the dispute in I. D. 33/1963 is considered, as the reference in it was dated 8th October, 1963 and the award was passed on 18th January, 1964, even that dispute was pending on the relevant date of dismissal, 4th January, 1964.

2(2). Moreover, it may also be noted that the words used in section 33(2) (b) of the Act are "during the pendency of any proceeding". The words "any proceeding" are general. Hence, it is clear that it permits pleading in the alternative as has been done by the complainant when he cited Industrial Disputes Nos. 47 or 33/1963 in the alternative. I had held similarly in the Miscellaneous Petition No. 219/56 in I. D. 24/56 and my decision was upheld by the Andhra Pradesh High Court in the Writ Petitions 795 and 796 of 1957. In the result, the employer's objections in this regard are not allowed.

2(3). Passing on to the question whether the complainant is a concerned workman, in my opinion, when employees are demoted, as was the case in I. D. 47/63, or, when their right to pigmy collection was denied, as was done in I. D. 33/1963, evidently all employees were concerned in the dispute, as both the disputes were collective disputes and were espoused by the Canara Industrial & Banking Syndicate Employees' Union. The phrase 'concerned in the dispute' occurring in section 33(2) (b) of the Act has been considered in numerous cases. In view of the fact that the legislature has not qualified it with any such word as 'directly'; and (2) in view also of the fact that by section 18 of the Act an award passed i.e. a collective dispute binds all workmen, it has been held where a dispute is a collective one all workmen are concerned in it. I have just now stated that in both the industrial disputes Nos. 33 and 47 of 1963 the dispute was a collective one and, therefore, I am of the opinion that the complainant was a concerned workman and I hold accordingly and mention some of the cases on which I have relied on in this regard. Eastern Plywood Company Ltd. Their Workmen [1952, (I) LLJ 628]; Karagali Colliery V. B. B. L. Bhatnagar [1954, (I) LLJ 171]; New India Motors (Private) Ltd. V. V. K. T. Morris [1960 (I) LLJ 551 (S.C.)].

2(4): From what is held above, it follows that the complainant's allegation that section 33(2) (b) of the Act was contravened is correct and, hence, his complaint was correctly made. I hold accordingly.

3. The complainant was charge-sheeted for four misconducts. In the domestic enquiry, he was found to have committed three of the four misconducts and he was exonerated from the fourth one. I confine my attention to the said three misconducts. Briefly, they were (1) that he refused to take remittances to the adjacent Hyderabad State Bank on 17th July, 1963 and thus disobeyed a lawful order; (2) that he refused on 23rd July, 1963 to take delivery of the post intended for his department after signing on the local delivery book and that ever since he joined the Gangavati Branch he worked slowly and thus caused customers to wait for a long time, on 18th July, 1963; and (3) that, with intent to cause damage to the reputation of the Bank, he tore away a page of the gold loans register.

3(1). The complainant and his learned representatives Sri K. K. Mundul were emphatic on the disregards of all principles of natural justice and the law and procedure of domestic enquiry established by the Bank Award in the conduct of the domestic enquiry and they had repeatedly attributed bad faith to the employer because of the union activities of the complainant. The accusations are both general and in respect of the charges levelled.

3(2). The general accusations are that, before K. G. Kamath was appointed as the Enquiry Officer, two other enquiry officers were appointed and their appointment was set aside with the object of causing delay in holding the domestic enquiry and the appointment of the enquiry officer itself was against the provisions of the Bank Award: The Manager constituted himself as the Authority for passing original orders and appointed K. G. Kamath as the enquiry officer. The Manager never sat in the enquiry even for a day and still he passed the order of dismissal. Under the provisions of the Bank Award, he could not have done so. The managements of the banks appealed to the Supreme Court for setting aside the Sen Award when one of the members did not sign it and, here, the manager has dismissed the complainant without, either signing on the decision of the enquiry officer, or attending the enquiry. That is considered by Sri K. K. Mundul as a flagrant breach of the provisions of the Bank Award. Again, the enquiry officer, after holding the complainant guilty of each misconduct, has considered then and there whether there were any extenuating or aggravating circumstances and found that there were no extenuating circumstances and proposed dismissal. After all this, he gave a hearing for recording complainant's answer as to why the proposed punishment should not be inflicted. When he had pre-judged that there were no extenuating circumstances, this procedure becomes infructuous. From this also it is inferred that there was *mala fides*.

3(3). I considered the above-stated contentions carefully. The procedure for taking disciplinary action is laid down in Section III of Chapter XXV of the Shastri Award. Paragraph 521(12) of the said section lays down that a Bank should decide which officers shall be empowered to take disciplinary action and pass original orders therein and that their names shall be published on the Bank's Notice Board from time to time. Page 18 of Ex. MI will show that the Bank empowered Sri T. A. Pal, the Managing Director, under paragraph 521(12) of the award. Paragraph 521[10(a)] takes cognizance of an enquiry officer, without prescribing any details about him. Obviously, it is left to the discretion of the Bank and/or the Managing Director. In the instant case the latter appointed Sri K. G. Kamath as the enquiry officer. He was superior in rank to the complainant. Hence, I do not find any contravention of the provision of the Award here. It is the usual practice that the enquiry officers are appointed by the Chief Executives and when their report is submitted it is considered and suitable orders are passed. What was done in this case was that much only.

3(4). If an enquiry officer is appointed, of course, the Chief Executive is not and need not be present during the enquiry. He can consider the report with the record of the domestic enquiry and, after bringing his mind to bear upon the issues framed and the evidence adduced, he can come to a conclusion. In this case, this has been done and, therefore, citing of the Sen Award is not relevant and is incorrect.

3(5). It may be noted that the said paragraph 521(10(a)) provides further that the employee proceeded against should be given a hearing as regards the nature of the proposed punishment in case any charge is established against him. By letter dated 5th December 1963, (on page 81 of Ex. M 1), the inquiry officer did give the complainant a hearing on 6th December 1963. But he had completed his enquiry report on 2nd December 1963 in which he had recommended the punishment of dismissal after holding that there were no extenuating circumstances. On 2nd December 1963 itself he had given a copy of the report to the complainant. He had also taken the view in the said letter that the function of the defence representative was over as the enquiry was concluded and, hence

the complainant alone should appear before him on 6th December 1963. In view of all this, I agree with Shri K. K. Mundul that the inquiry officer did pre-judge the issue of punishment, and was not right in holding that the defence representative was not required in the hearing against the proposed punishment. For, of course, if it were to be a hearing under the said paragraph of the Shastri Award, it would be with the defence representative. Shri K. K. Mundul has inferred bad faith from this. I will advert to it in a succeeding paragraph. However, I may state here, that the managing Director who passed the order of dismissal, considered Sri K. K. Mundul's reply dated 2nd February 1963 against the proposed punishment. This is evident from page 2 of the order of dismissal on pages 17 and 18 of Ex. M. 1.

4. The first charge was that on 17th July 1963 the complainant disobeyed the order of the manager to take remittances to the State Bank of Hyderabad (branch). A perusal of the record of the domestic enquiry will show that Sri Sripada Rao, the Manager of the Gangavati branch, where the complainant was posted on the relevant date, 17th July 1963, went into the witness box as M.W. 1. He stated in question No. 4 that on 17th July 1963 he asked the complainant to take remittances to the Bank, but, he refused. He was not cross-examined on this statement. However, in the argument, it was contended that details of the refusal were not recorded. I considered this point. The details are found in Ex. W 5. It is a letter from Sri Sripada Rao to the Managing Director dated 17th July 1963. There, the Manager has stated that he asked the complainant to take spoiled notes of Rs. 1400/- to the Hyderabad State Bank Branch, and provided him with a messenger. But the complainant wanted conveyance and other facilities laid down in the Bank Awards. As the Branch of the State Bank was only a few yards distance, the manager explained to the complainant that the usual procedure was as he had detailed above. Even so the complainant did not comply; hence, the manager asked another clerk who took the remittances. From a perusal of the Shastri Award it is evident that conveyance allowance is dealt with in Chapter XXIX, paragraph 548. There it is stated as follows:

"The only direction we give is that where an employee incurs expenditure in the performance of bank's work, he should be reimbursed to the extent that the expenditure is fairly and legitimately incurred."

I could not find any other facility provided in the Bank awards, nor was my attention drawn to any other facility. The question, therefore, is whether the complainant was justified in refusing the directive to take the remittances. After consideration, I feel he was not, as going a few yards to the State Bank Branch does not require any conveyance or involves any expenditure which can fairly and legitimately be claimed or allowed. Moreover, if per chance, there were any other details and were not disclosed, there was nothing to prevent the complainant from going into the witness box in the domestic enquiry, or in the inquiry before me and state the reasons for his refusal, or, the reasons could have been put to M.W. 1 in cross-examination. This was not done. The statement of M.W. 1 that the order was given and was refused, therefore, stands un rebutted and I see no good reasons to hold that the enquiry officer was wrong in adopting it. In his written argument dated 2nd December 1963 Sri Mundul contends that there was no evidence that the Manager asked the complainant to take the remittances. I have already stated above that in question No. 4 M.W. 1 clearly stated that he instructed and the instruction was disobeyed. Hence, it is evident that Sri Mundul has based his argument on the wrong assumption that there was no evidence. He has contended that the enquiry officer took the written order by which work was allotted as the specific instruction to take remittances to the bank on 17th July 1963 and has inferred from it that the order of the allotment of work was the written instruction. As already stated, this is incorrect, as there is evidence of specific instructions on 17th July 1963, not only in M.W. 1's evidence but also in Ex. W-5, filed by Sri Mundul himself.

5. In the order in which the Inquiry Officer has dealt with the charges, charge No. 2 was

"eversince you joined Gangavati Branch, you were wilfully working slowly by not taking delivery within reasonable time of the post meant for your department when offered and by making the customers wait at the counter and thereby committed gross misconduct."

Regarding this charge, Sri K. K. Mundul has contended that quite obviously refusal of tappal is not and cannot be deemed to be either working slowly or working slowly habitually, and when according to the statement of M.W. 1, a customer had to wait on 18th July 1963 only, it was not habitually making customers to wait and yet the enquiry officer has held the charge as proved. In my opinion, the word 'habitually' is not found in the charge and,

in the context of the admitted fact that the complainant joined the Gangavati Branch only on 15th July 1963, it cannot even be implied from the words 'ever since'. The charge is a simple one and comes to this that after he joined the branch he worked slowly and caused customers to wait and refused to take the tappal on 23rd July 1963.

5(1). The evidence in support of the charge is that of the Manager, M.W. 1 and a client, M.W. 3. The former has stated in his evidence in the domestic enquiry that M.W. 3 had come at 10.30 A.M. for a hundi. He was waiting and, as the tappal consisting of 25 items had not been entered in the tappal register from 10.30 A.M. to 12 noon, he asked the complainant to complete it. M.W. 3 has stated that when the Manager so asked the complainant, he replied to him that he would do his work and there was no need for the Manager to remind him to do his work. According to M.W. 3, it was on this reply that the Manager asked Subba Rao, another clerk, to complete the remaining entries which he did.

5(2). Sri K. K. Mundul has contended that it is not established from the above-stated evidence that the complainant worked slowly for the reason that the enquiry officer did not consider that the complainant took an hour-and-half in completing 23 entries, while Subba Rao took nearly half-an-hour in completing three entries. I considered this objection. In my opinion, altogether there 25 items to be entered in the tappal register. It accords with common sense and it is on record that ordinarily this was a work of 15 minutes and with difference in speed between man and man it should have been completed within half-an-hour. Instead, it was not completed by the complainant even in 1½ hours. As to Subbarao taking half-an-hour to complete three entries, in the first instance, Subbarao's statement was that the work of completing the entries was given to him between 12.00 and 12.30 P.M. and it was completed at 12.30 P.M. Between 12.00 and 12.30 P.M. is a statement which does not show clearly that he took half-an-hour from 12.00 to 12.30 P.M. to conclude it. It rather indicates that Subbarao did not state the exact time he took.

5(3). Similarly, Sri Mundul has stressed in the said reply statement that there is no record that the complainant caused any customer to wait. He omits to consider that M.W. 3 was the customer who waited. No doubt the complainant did not ask him to wait. This was because the customer did not go to the complainant. He complained of the delay to M.W. 1, the manager, and when the manager asked the complainant he was replied to that he did not need any reminder for doing his work. It is, therefore, evident that indirectly he caused the customer to wait. Of a like nature is the contention of Sri K. K. Mundul that the hundi of M.W. 3 was entered by 12 noon and, it was not his fault, if it was not delivered to him at 12.00 noon and was handed over after 12.30 P.M. Here again Sri Mundul omits to consider that it is the practice in the Bank that unless the tappal register was fully completed and checked the hundi could not have been handed over.

5(4). Regarding the refusal to sign the tappal delivery book on 23rd July 1963 after taking the tappal meant for the complainant section, M.W. 1, the Manager, has stated it in his evidence in the domestic enquiry and has produced the said tappal book (Management Ex. 1, marked here as Ex. M-3). In that book both the Manager and the Accountant have recorded the fact of refusal and signed it. In my opinion, the refusal is proved by this evidence and is also admitted by the complainant in one of his explanations to the employer on page 38 of Ex. M 1. There, the complainant took the stand that he was ready to sign the receipt of the tappal provided that the Manager also reciprocally signed on the tappal when it was sent back to him. But the very same explanation on page 38 of Ex. M. 1 obviates the need of the reciprocal signature, for there the complainant himself has stated that after the tappal is noted and action on it is taken in the section, it invariably goes back to the Manager or the accountant. Hence, the complainant's insistence on reciprocal signature and his refusal on that ground to take the tappal cannot be held to be correct. Moreover, evidently the complainant was a clerk and the order of the manager introducing the system of clerks signing on the delivery book was a lawful order. It was a general order to all the clerks and was not particular to him. It is for the employer to lay down reasonable procedure and it appears to me that the complainant was not correct in objecting to it. A lot of cross-examination was done as to the need of introducing the procedure. It was stated by M.W. 1 that a cheque was missing and therefore, he introduced it. So many questions were put to M.W. 1 about the missing cheque and he was not able to answer all the questions fully. Even so irrespective of whether there was any cheque missing I feel that the order that a clerk should sign the tappal delivery book after taking delivery of the tappal meant for him was a lawful order and was conducive to efficient working and there was no

good reason for the complainant to object to the procedure. This itself shows disobedience to a lawful order and it is, more or less, admitted in his explanation referred to above. I may note also that Sri Mundul's contention that the Enquiry Officer did not consider the complainant's reason for refusal in not correct, as a perusal of pages 6 and 7 of his report will show.

6. The final charge of which the complainant was held guilty was of tearing pages 147 and 148 of the gold loans register. The employer's stand is that the pages were intact on 30th July 1963 and they were found missing on 2nd August 1963; that during these three days the register was in the custody of the complainant and, therefore, he alone must have done it. I am not satisfied that the register was solely in the custody of the complainant. The record does not show that nobody else had any access to it. In my opinion, therefore, this charge is not well proved and he may be exonerated from it. I hold accordingly.

7. Even so, there is hardly any doubt that the other two charges are proved. They are proved by the evidence adduced by the employer in the presence of the complainant. His competent defence representative, Sri K. K. Mundul, copiously cross-examined the witnesses and dealt with the documentary evidence. On the whole, the employer's evidence was not shaken. And what is significant is this that the complainant did not care to step into the witness-box either in the domestic inquiry or in the proceedings before me. When the employer's evidence stood un-rebutted, it was difficult to disagree with it or over-look it.

8. In paragraph (3) of this award I considered also whether the employer was actuated with mala fides. I have found that the contention that mala fides was apparent from contravening the law and procedure of domestic enquiries was incorrect, except that in paragraph 3(5) I held also that the inquiry officer erred in recommending punishment before giving a hearing on the proposed punishment, and that he erred also in taking the view that the defence representative was not required at the hearing on proposed punishment. The question is whether the error in applying the provisions of the Bank Awards indicate mala fides, and that too, on the part of employer. Obviously errors in application of law are common and cannot be attributed to bad faith. Moreover, the inquiry officer only recommended the punishment. He had no power to enforce it. It was the Managing Director that passed the order of dismissal. It is also on record that at the hearing on proposed punishment the written argument of Sri Mundul from page 72 of Ex. M. 1 was filed. The record also shows that the Managing Director considered it. I, therefore, hold that no mala fides can be attributed to the employer on the ground of the inquiry officer's prejudging punishment or holding that the presence of the defence representative was not then required.

8(1). There remains the contention of mala fides from union activities. As a fact it has not been proved by any evidence. The complainant did not step into the witness-box to substantiate it. As inferences from facts on records the following inferences are relied on. Gangavati is an out of the way place; transfers to Gangavati were for punishment; the complaint was on office-bearer of the union, having held some elective posts in the union his transfer to Gangavati was with a view to punish him for his union activities and with intent to disrupt the same. In matters of transfers the employer has been held to be actuated by mala fides as in the case of Verranna. The same mala fides was at work in the transfer of the complainant to Gangavati. It should be noted that the facts from which it is permissible to draw inferences must be facts that have been proved. Here, not all the facts relied on have been proved. Even if I take judicial notice of Gangavati being an out of the way place there is no proof that transfers to Gangavati were for punishment. There is no proof on record that the complainant had held elective posts in the union and what these posts were. Even my decision in the Verranna's case has not been brought on record. But as I remember the case, Verranna was a treasurer of the union. There was understanding that the Secretary or President and the Treasurer will not be transferred. As the complainant was not an officer of that rank, his reliance on Verranna's case is not correct and I cannot infer mala fides from his transfer.

8(2). I have to consider Ex. W-6 also. It is a certified copy of the letter of Sripada Rao, the manager M.W. 1, to the managing director dated 23rd July 1963. In that letter M.W. 1 has requested immediate transfer of the complainant from Gangavati. The reasons for the same were that the complainant was a misfit there, Gangavati was a rural area, the clients were rich but illiterate. Their challans and withdrawal forms had to be written by the staff. The complainant was not co-operative to that extent and was working slowly and, therefore, even though he "understands that he (the complainant) was posted at Gangavati as a

punishment" yet in view of the above reasons he should be transferred immediately from Gangavati. I am to infer mala fide from the sentence within inverted commas. Assuming without holding that as the manager understood the complainant's transfer to Gangavati a punishment, will there be any warrant for me to attribute mala fides to the employer, remembering that the Manager was not the authority who transferred him and cannot be deemed to be in the know of the full reasons for the transfer? After consideration I feel there is no sufficient proof of mala fides of the employer. Transfers are the normal incidents of service. The employer-Bank had a branch at Gangavati, transfer thereto was necessary, and hence no motives can be attributed unless they are proved by good evidence.

8(3): Another point raised was that there was an agreement by which his transfer from Bangalore was agreed upon. The agreement was dated 16th January, 1964 (Ex. W-4). There, along with the 12 other employees, the employer agreed to transfer the complainant from Bangalore, but, as it happened, he was dismissed on 4th January 1964 itself. After dismissal there was no room for the transfer and it appears that when the agreement was signed, the dismissal was not brought to the notice of the employer's representatives, Messrs Manmohan and Baliga, who signed the agreement. In the circumstances, no inference of mala fides from non-observance of the settlement can be held to be correct. I, therefore, pass this Award holding that the dismissal of the complainant was correct. As his behaviour was not in consonance with discipline and as it is necessary to maintain discipline. I do not want to interfere with the punishment given. Award accordingly.

Report to Government, given under my hand and the seal of the Court, this the 8th Day of September 1964.

(Sd.) M. S. ALI KHAN,
Industrial Tribunal.

List of Witnesses examined

Workmen :
Nil.

By Employers.
Nil.

List of documents marked by Workmen

- Ex. W1. Letter dated 7th February 1964, No. Ref. No. 71/16-64/GNL from the Vice President, the Canara Industrial & Banking Syndicate Employees' Union addressed to the Hon'ble Industrial Tribunal, A.P., Hyderabad.
- Ex. W2. Letter No. A2. 328/64 dated 31-1-64 from the office of the Hon'ble Chairman, Industrial Tribunal, A.P. Hyderabad, to the General Secretary of the Union.
- Ex. W3. Copy of letter dated 4-1-1964 from the Mysore State Bank Employees' Federation addressed to the Regional Labour Commissioner, (Central), Madras-7.
- Ex. W4. Memorandum of settlement reached between the employers and Employees of the Syndicate Bank.
- Ex. W5. Certified copy of letter dated 17th July 1963 from the Manager Gangavathi Branch to the Managing Director, Udipi, granted by the Labour Court, Bangalore.
- Ex. W6. Certified copy of letter dated 23rd July 63 from the Manager, Gangavathi Branch to the Managing Director, Udipi, granted by the Labour Court, Bangalore.
- Ex. W7. Certified copy of letter dated 5th August 1963 from the Manager of the Gangavathi Branch to the Managing Director, Udipi, granted by the Labour Court, Bangalore.

Documents marked by the Employers

- Ex. M1. Domestic enquiry file containing 87 sheets in all.
- Ex. M2. Inward (Local & Postal) Register of the bank.
- Ex. M3. Local delivery book of the bank.
- Ex. M4. Register of loans on advances, relating to Gangavati Branch of the Bank.

(Sd.) M. S. ALI KHAN,
Industrial Tribunal.

ORDERS

New Delhi, the 22nd September 1964

S.O. 3513.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the National and Grindlays Bank Limited, Kanpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. K. Tandon shall be the Presiding Officer, with headquarters at Lucknow and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

1. Whether having regard to the practice obtaining in the Bank, the management of the National and Grindlays Bank, Kanpur was justified in not considering Shri Mahesh Chandra Dixit for absorption in the permanent subordinate cadre and also terminating his services from the pool of casual labour? If not, to what relief is the workman entitled?
2. Whether the supersession by the management, of Shri Jahnavi Kumar Bajpai by Sarvashri Surajdeo Prasad, S. N. Chakravarty, Kamal Nath Mehrotra, K. P. Shukla and Pratap Narain Kapoor in the matter of giving officiating chances as checking clerk in leave vacancies was justified? If not, to what relief is the workman entitled?
3. Whether the supersession by the management of Shri Sita Ram Tewari by Sarvashri Ishwar Sahai Srivastava, Hanuman Prasad Srivastava and Ram Autar Srivastava in the matter of promotion as Assistant was justified? If not, to what relief is the workman entitled?
4. Whether action of the management in not giving Shri Sita Ram Tewari officiating chances as Assistant during the leave vacancies was justified? If not, to what relief is the workman entitled?

[No. 51(56)/64-LRIV.]

S.O. 3514.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the National and Grindlays Bank Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the claim of the workmen of the National and Grindlays Bank Limited for payment of Centenary Bonus at a higher rate and for the payment of one month's total wages as Centenary Bonus is justified?
- (2) If so, to what extent and to whom all is the Centenary Bonus at a higher rate payable and to what relief are the workmen entitled?

[No. 51(37)/64-LRIV.]

New Delhi, the 24th September 1964

S.O. 3515.—Whereas the employers in relation to the Visakhapatnam Port Trust, Visakhapatnam and the Visakhapatnam Harbour and Port Workers' Union have jointly applied to the Central Government for reference of an industrial

dispute between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said Visakhapatnam Harbour and Port Workers' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Dr. Mir Siadat Ali Khan shall be the Presiding Officer, with headquarters at Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

FORM A

(See Rule 3)

Form of application for the reference of an Industrial Dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Whereas an industrial dispute exists between the Visakhapatnam Port Trust and their workmen represented by the Visakhapatnam Harbour & Port Workers' Union and it is expedient that the matters specified in the enclosed statement are connected with or relevant to the dispute should be referred for adjudication by a Tribunal, an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 that the said matters should be referred to a Tribunal.

This application is made by the undersigned who have been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the Union held on the 12th July, 1964.

A statement giving the particulars required under Rule 3 of the Industrial Disputes (Central) Rules, 1957 is attached.

Dated, the 18th July, 1964.

Sd./- C. R. REDDY,
Chairman,
Visakhapatnam Port Trust,
Visakhapatnam.
18/7/64

Sd./- M. V. BHADRAM,
President,
The Visakhapatnam Harbour &
Port Workers' Union.
18/7/64

Sd./- M. BHADRAMURTHI SHARMA,
General Secretary,
The Visakhapatnam Harbour &
Port Workers' Union.
18/7/64

Statement required under Rule 3 of the Industrial Disputes (Central) Rules, 1957 to accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947:

- (a) Parties to the dispute including the name and address of the establishment or undertaking involved—
 - (i) Management of Visakhapatnam Port Trust, Visakhapatnam-1, Andhra Pradesh.
 - (ii) Their workmen represented by the Visakhapatnam Harbour & Port Workers' Union, Visakhapatnam-1, Andhra Pradesh.
- (b) Specific matters in dispute:
(As per the Annexure enclosed).
- (c) Total number of workmen employed in the undertaking affected:
About 4,200.
- (d) Estimated number of workmen affected or likely to be affected by the dispute:
About 3,300.

(e) Efforts made by the parties themselves to adjust the dispute:

The parties held mutual discussions and conciliation proceedings were also held but they have been unable to reach a settlement.

Sd./- C. R. REDDY,
Chairman,
Visakhapatnam Port Trust,
18/7/64

Sd./- M. V. BHADRAM,
President,
The Visakhapatnam Harbour &
Port Workers' Union.
18/7/64

Sd./- M. BHADRAMURTHI SHARMA,
General Secretary,
The Visakhapatnam Harbour &
Port Workers' Union.
18/7/64

ANNEXURE

Specific matters in dispute

1. Casual Labour employed on maintenance works should be made permanent with effect from 1st April 1964 and no casual labour should be employed on maintenance works hereafter.
2. The Casual Labour should be paid Rs. 3-50 nP. a day as wages and should be given 10 paid holidays in a year.
3. The Casual Tallyman in the Traffic Department should be paid Rs. 5-50 nP. a day.
4. All categories of casual labour in the Traffic Department should be paid attendance allowance as is being done to the Shore labour.
5. Casual leave for a day or two should be granted and should never be rejected.
6. The fitters attached to the tugs should be designated as Marine fitters and be given that scale of pay.
7. Uniforms should be supplied to Seniors first. In other words, posting of persons to duty on drafts/plants etc. which carry more amenities should be on the basis of Seniority.
8. Cash value of uniforms not supplied since 1960 should be paid to the concerned employees.
9. Marine Survey staff should be supplied with Woollen Jerseys and Mobile Crane staff should be supplied with Woollen Jerseys and Rain Coats.
10. Disparity in leave rules between those appointed prior and posterior to 1st October 1956 should be removed.
11. The period of availability of Railway Passes issued to eligible Port Employees should be as is done on Railways and not limited to period of leave granted.
12. The age of superannuation of all Port Trust employees should be 58 years as recommended by S.P.C. and extension of service could be only after that age.
13. The penalty of withholding of increment should not have the attendant effect of withholding of due promotion occurring during the period commencing from the date of orders withholding increment.
14. Q-4 Berth should be declared sick and completely renovated immediately.
15. Roster off should be introduced to staff in F.F.C. Section of Mechanical Superintendent Department.
16. Port quarters should be white washed once in a year irrespective of emergency or Ban.
17. In the promotion from greasers to Boiler Wash-out Tindal in F.F.C. Section of M.S. Department Senior greasers were overlooked. This should be rectified.

18. The crew on Floating Pipe Line and Dredgers should be provided with uniforms.

19. For work done on a holiday/weekly off employee should be paid double the normal time wage in addition to that days wages, when alternative day off is not given.

20. Piece Rate Scheme should be introduced to all categories of Port Employees connected with loading and unloading of Cargo.

21. Port Workshop shift duty hours should be altered so as night duty does not go beyond 12 midnight.

22. The S.P.C. scale Rs. 130—5—175—EB—6—205—7—212 corresponding to C.C.C. scale Rs. 80—160 should be altered to be Rs. 130—5—170—EB—8—210 which is the S.P.C. equivalent of the same Rs. 80—160 pre-C.C.C. scale.

23. While fitting erstwhile Marine Khalasis of D.C. Department on 35—1—40 into Grade II Lascar C.C.C. Scale 30—1—50, the protection to the higher pay of Rs. 35/- drawn, should be given.

24. The withholding of increment for 1 year with cumulative effect inflicted on Shri D. Manikyam-II, Machinist, Workshop without establishing the guilt of the employee should be cancelled.

The punishments of stoppages of increments inflicted on some of the workers of the Mobile Cranes Section and Workshop should be cancelled as the punishments were imposed without establishing the lapse of the employee concerned.

25. In the Engineering Department those appointed to skilled with effect from 16th April 1963 by promotion from BTMs should be declared seniors to those appointed to skilled with effect from 25th November 1962 by absorption from casual labour.

26. Creation of additional posts in the Engineering Department for casual labour absorption two posts of Fitters should be additionally created.

27. The Works holidays in the year which are not paid holidays to casual labour, should count as on duty for weekly off with pay for casual labour.

28. The seniority that was overlooked while fixing (with effect from 1st March 1962) Marine Khalasis in D.C. Department, as Grade II and Grade I Lascars should be rectified.

29. Payment for night duty done on a weekly off or festival holiday should be at double the payment for night duty done on a week day.

30. The staff which is posted for Watch-Keeping duty on Sundays which is a weekly off day for that Section should be paid extra remuneration as he was called to duty on the weekly off.

31. The post of chargehand for Motor Mechanic Section should be created as there is none at present.

32. The post of Chargehand Machinist should be filled up immediately.

33. The posts of Highly skilled Motor Mechanic should be created as was done in other trades.

34. A post of Spray Painter should be created for work on Motor Vehicles.

35. Separate staff should be appointed for the work connected with Fuel Injection Equipment.

36. The abnoxious practice of Motor Mechanics using common uniforms should be given up and each Motor Mechanic should be given a uniform separately.

37. The Motor Mechanics who are now attending to the repairs of the Diesel Vehicles should be designated as Diesel Mechanics.

38. Adequate number of Mechanics should be appointed to cope up with the increased maintenance work of the Vehicles in the M.S. Department.

39. Understudy facilities should be provided in the important trade of Instrument Mechanic.

40. The staff on Steam Crafts should be rotated on all the Steam Crafts and on all shifts. Similarly the staff on all Diesel Crafts.

41. The staff to be posted on the Diesel and Steam Crafts should be in such a way that the benefit of extra remuneration, overtime and night weightage is evenly distributed amongst all the staff.

42. In the cases of two posts which are in the line of promotion and whose scale is one and the same (e.g. Fireman & Greaser, Winchman and Tindel etc.) the employee should be given one increment on promotion.

43. Unclean allowances should be paid to Sanitary staff at rates prevailing at Bombay Port as recommended by C.C.C.

44. The service qualifications of 3 years' service as casual Tallyman for appointment as Tallyman should be reduced to one year.

Sd./- C. R. REDDY,
18/7/64
Chairman,
Visakhapatnam Port Trust,
Visakhapatnam.

Sd./- M. V. BHADRAM,
18/7/64
President,
The Visakhapatnam Harbour &
Port Workers' Union,
Visakhapatnam.
[No. 28/77/64/LRIV.]

O. P. TALWAR, Under Secy.

New Delhi, the 22nd September 1964

S.O. 3516.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Digwadih Colliery of Messrs. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad, and their workmen, which was received by the Central Government on the 18th September, 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947).

REFERENCE No. 96 OF 1963.

PARTIES:

Employers in relation to the Digwadih Colliery of Messrs. Tata Iron and Steel Co. Ltd., Jamadoba, P.O. Jealgora.

AND

Their workmen.

PRESENT:

Sri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers: Sri S. N. Singh, Legal Assistant.

For the Workmen: Sri B. N. Sharma, President, Congress Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 10th September, 1964

AWARD

By its Order No. 2/75/63-LR II, dated the 18th December, 1963, Ministry of Labour & Employment, Government of India, referred under Section 10(1)(d) of the Industrial Disputes Act, 1947, to this Tribunal for adjudication, an industrial dispute between the employers in relation to the Digwadih Colliery of

Messrs. Tata Iron and Steel Co. Ltd. and their workmen in respect of the matter specified below:

"Whether the suspension for ten days with effect from the 28th August 1963 (as amended on 20th May 1963) of Sri Mathura, Hammerman, by the management of the Digwadih Colliery of Messrs. Tata Iron and Steel Co. Ltd. was justified. If not, to what relief is he entitled?"

2. The employers filed their written statement on 14th February 1964. Their main objections were (1) that the present dispute was an individual one, and (2) that the workman concerned, Mathura, was asked to demolish unauthorised construction made by him on the company's land which he refused and therefore he was charge sheeted and after a departmental enquiry held in his presence and after the charge had been found proved against him he was suspended for 10 days and as such the workman concerned was not entitled to any relief.

3. On behalf of the management, Sri S. N. Singh appeared and filed documents which, with mutual consent, were marked Exhibits M to M-14 on behalf of the company. The management also examined one witness M.W. 1 Shri L. H. M. Parvatiar, Welfare Officer of the Digwadih Colliery.

4. The workman also filed written statement on 10th October 1963 and thereafter a rejoinder on 28th April 1964. The main defence of the workman concerned was that he had nothing to do with the construction in question and he never made any construction, in that, after having purchased some land he had built his own house elsewhere, and, therefore, there was no necessity for him to raise any construction on the company's land and, as such, the charge was false and the suspension was unjustified and the enquiry was not proper.

5. The workman was represented by Sri B. N. Sharma, who filed two documents, on behalf of the workman concerned, which were marked Exhibits W and W-1. He also examined two witnesses, namely, W.W. 1 Shri Sikhiresh Sirkar and W.W. 2 Sri Mathura, Hammerman, the concerned workman, in support of his case.

6. Sri Sharma has not put forward any substantial ground to show as to how and why the domestic enquiry was not fair or how it was vitiated by any principle of natural justice. In such a situation, I cannot but find the enquiry to be fair and proper, and, if that is so, I do not think I have got jurisdiction to review the evidence and to come to my own conclusion on the evidence.

7. It is true that it has not been established as to when this construction was made by the workman concerned, but I find that before the Enquiry Officer one Sri B. Lal, Dhawrah Clerk, was examined and he gave his statement, which is Exhibit M-6 before the Enquiry Officer, and he said that the workman concerned had made the unauthorised construction on the company's land and he has been staying therein and further that during his inspection he always found him to be living therein. This witness was not cross-examined by the workman concerned as he said that he did not want to cross him as will appear from the note appended at the foot of the statement of Sri B. Lal Exhibit M-6. As against this, was the statement of the workman concerned Exhibit M-7 that he had not raised any unauthorised structure on the company's land and that he had constructed his own house after purchasing land from outside party. The workman concerned did not deny that he had nothing to do with the company's land on which the structure stood but what he denied was that he had not raised any unauthorised construction on the company's land. The workman concerned did not examine any defence witness to support his statement before the Enquiry Officer. In this court also he has examined himself as W.W. 2 and here in cross-examination he said that he did not know since when the disputed house was there. As I said before, it is not open to me to review the evidence adduced before the Enquiry Officer and to come to my own conclusion, even if I feel to do so, when it has not been shown as to why the domestic enquiry should not be held to be fair and proper.

8. For these reasons, I hold that the enquiry was proper and fair and the finding of the Enquiry Officer is not perverse and that the charge was established at the domestic enquiry by the evidence produced before the Enquiry Officer, and in these circumstances the suspension was certainly justified.

9. On my above finding, which is in favour of the management, I do not think it is necessary to record a finding on the preliminary objection raised by the management that the present dispute was an individual dispute and not an industrial dispute and, therefore, I express no opinion on that question.

10. I, therefore, answer the reference in favour of the management by holding that the suspension for 10 days with effect from 28th August 1963 of Sri Mathura, Hammerman, by the management of Digwadih Colliery of Messrs. Tata Iron and Steel Co. Ltd., was justified and, as such, Sri Mathura is not entitled to any relief.

11. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Dhanbad, the 10th September, 1964.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.

[No. 2/75/63-LR.II.]

ORDERS

New Delhi, the 22nd September 1964

S.O. 3517.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kendwadih Colliery of Messrs. Haruladih Coal Company Limited, Post Office Bhaga, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the termination of the services of Shri Nathuni Singh, underground traffic, by the Manager of Kendwadih Colliery of Messrs. Haruladih Coal Company Limited, Post Office Bhaga, District Dhanbad through his letter dated the 3rd December 1963, was justified? If not, to what relief is the workman entitled?

[No. 2/96/64-LR.II.]

New Delhi, the 25th September 1964

S.O. 3518.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Ghusick Colliery of M/s. West Ghusick Coal Co. Ltd., P.O. Kalipahari, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of New Ghusick Colliery of M/s. West Ghusick Coal Co. Ltd. were justified in not providing regular work to Sarvashri Giriya Pasman, Sukhdeo Pasman, Munshi Rajwar and Satya Ghose by Keeping them on the badli list? If not, to what relief are the workmen entitled?

[No. 6/72/64-LR-II.]

B. R. SETH, Dy. Secy.

New Delhi, the 25th September 1964

S.O. 3519/PWA/Rly./Rules/Am.—The following draft of rules further to amend the Payment of Wages (Railways) Rules, 1938, which the Central Government proposes to make, in exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), is published, as required by sub-section (5) of section 26, and notice is hereby given that the said draft will be taken into consideration on or after the 10th January 1965.

2. Any objections or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government. Such objections or suggestions may be addressed to the Secretary to the Government of India, Ministry of Labour and Employment, New Delhi-1.

Draft Rules

(1) These Rules may be called the Payment of Wages (Railways) Amendment Rules, 1964.

(2) In the Payment of Wages (Railways) Rules, 1938, in rule 14,—

(i) for the 'Heading', the following 'Heading' shall be substituted, namely:—

"Procedure for imposing fines and deductions for loss or damage"

(ii) for sub-rule (1), the following sub-rule shall be substituted, namely:—

(1) No fine shall be imposed and no deduction for damage or loss under sub-section (1) of section 10 of the Act, shall be made from a person employed by a Railway Administration except in accordance with the procedure laid down in the rules in force on the Railway and until the employed person has been given an opportunity of showing cause against such imposition or deduction."

[No. 535/39/64-Fac.]

VIDYA PARKASH, Dy. Secy.

DEPARTMENT OF SOCIAL SECURITY

New Delhi, the 22nd September 1964

S.O. 3520.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri M. Krishna Raju to be an Inspector for the whole of the State of Mysore for the purposes of the said Act or of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a mine or an oil-field or a controlled industry.

[No. 20(66)64-PF-I.]

New Delhi, the 25th September 1964

S.O. 3521.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri S. A. Vaidya to be an Inspector for the whole of the State of Madhya Pradesh for the purposes of the said Act or of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a mine or an oil-field, or a controlled industry.

[No. 20(70)64-PF-I.]

P. D. GAIHA, Under Secy.